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DEPARTMENT OF LABOR

Office of the Assistant Secretary for Administration and Management

2 CFR Part 2998

29 CFR Parts 95 and 98

RIN 1291–AA38

Department of Labor Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

AGENCY: Office of the Assistant Secretary for Administration and Management, Department of Labor.

ACTION: Direct final rule.

SUMMARY: The U.S. Department of Labor (DOL) is removing its regulations implementing the government-wide common rule on nonprocurement debarment and suspension, currently located in Part 98 of Title 29 of the Code of Federal Regulations (CFR), and adopting the Office of Management and Budget's (OMB) guidance at Title 2 of the CFR. This regulatory action implements the OMB's initiative to streamline and consolidate into one title of the CFR all Federal regulations on nonprocurement debarment and suspension. These changes constitute an administrative simplification that would make no substantive change in DOL policy or procedures for nonprocurement debarment and suspension.

DATES: This final rule is effective on April 29, 2016 without further action. Submit comments on or before May 31, 2016 on any unintended changes this action makes in DOL policies and procedures for debarment and suspension. If an adverse comment about unintended changes is received, DOL will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Comments may be submitted in two ways. All email comments regarding this rule should be sent to Ms. Duyen Tran Ritchie at *Ritchie.duyen.t@dol.gov.* To ensure proper handling, please reference the RIN number in the subject line on your electronic correspondence. Alternatively, comments may be submitted electronically at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Duyen Tran Ritchie, Office of Chief Procurement Officer, (202) 693–7277 [Note: This is not a toll-free telephone number]; or by email at *Ritchie.duyen.t@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 26, 2003, at 68 FR 66534, DOL adopted the government-wide nonprocurement debarment and suspension common rule, which recast the nonprocurement debarment and suspension regulations in plain English and made other required updates.

Thereafter, on May 11, 2004, at 69 FR 26276, OMB established Title 2 of the CFR as the new central location for OMB guidance and agency implementing regulations concerning grants and agreements. This approach benefits the public by making it easier for the affected public to identify an agency's additions and clarifications to the Government-wide policies and procedures. In that action, OMB announced its intention to replace the common rules with OMB guidance that agencies could adopt. OMB began that process by proposing on August 31, 2005, at 70 FR 51863, an interim final guidance on non-procurement debarment and suspension. That guidance requires each agency to issue a brief rule that: (1) Adopts the guidance, giving it regulatory effect for that agency's activities; and (2) states any agency-specific additions or clarifications to the government-wide policies and procedures. The notice stated that the substantive content of the guidance was intended to conform with the substance of the Federal agencies' most recent update in 2003 to the common rule. The guidance was finalized on November 15, 2006, at 71 FR 66431. The proposed regulatory actions will bring the Department into compliance with OMB's 2006 guidance.

II. The Current Regulatory Actions

Pursuant to requirements in OMB's guidance, DOL is taking three actions. First, DOL is adding a new part to its existing Chapter XXIX under Title 2 of the CFR Subtitle B, which is a brief adoption of the OMB guidance and states DOL-specific additions and clarifications. Second, DOL is removing 29 CFR part 98, the part containing the common rule on nonprocurement debarment and suspension that the OMB guidance supersedes. Third, DOL is making technical corrections to provisions within 29 CFR 95 to replace references to the earlier common rule.

III. Public Participation

Taken together, these regulatory actions are solely an administrative simplification and are not intended to make any substantive change in policies or procedures. In soliciting comments on these actions, we therefore are not seeking to revisit substantive issues that were resolved during the development of the final common rule in 2003. We are inviting comments specifically on any unintended changes in substantive content that the new part in 2 CFR would make relative to the common rule at 29 CFR part 98.

Please submit comments by only one method. Receipt of comments will not be acknowledged; however, the Department will post all comments received on *http://www.regulations.gov* without making any change to the comments, including any personal information provided. The *http://www.regulations.gov* Web site is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public.

The Department cautions commenters not to include personal information, such as Social Security Numbers, personal addresses, telephone numbers and email addresses, in comments, as such submitted information will become viewable by the public via *http://www.regulations.gov.* It is the responsibility of the commenter to safeguard personal information. Comments submitted through *http://www.regulations.gov* will not include the commenter's email address unless the commenter chooses to include that information as a part of a comment.

IV. Regulatory Review

A. Administrative Procedure Act

Under the Administrative Procedure Act (5 U.S.C. 553), agencies generally propose a regulation and offer interested parties the opportunity to comment before it becomes effective. However, as described in the "Background" section of this preamble, the policies and procedures in this regulation have been proposed for comment two times—one time by Federal agencies as a common rule in 2003 and a second time by OMB as guidance in 2006—and adopted each time after resolution of the comments received.

This direct final rule is solely an administrative simplification that would make no substantive change in DOL's policy or procedures for debarment and suspension. We therefore believe that the rule is noncontroversial and do not expect to receive adverse comments, although we are inviting comments on any unintended substantive change this rule makes.

Accordingly, we find that the solicitation of public comments on this direct final rule is unnecessary and that "good cause" exists under 5 U.S.C. 553(b)(B) and 553(d) to make this rule effective immediately without further action. However, we are affording the public an opportunity to comment, in the unlikely scenario where unintended consequences are identified. If an adverse comment is received, then the rule will be revoked so that such comments can be considered fully.

B. Executive Order 12866

OMB has determined this rule to be not significant for purposes of E.O. 12866.

C. Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This proposed regulatory action will not have a significant adverse impact on a substantial number of small entities.

D. Unfunded Mandates Act of 1995 (Sec. 202 Pub. L. 104–4)

This proposed regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of $100 million or more in any one year.

E. Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

F. Federalism (Executive Order 13132)

This proposed regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Impact on Indian Tribes (Executive Order 13175)

This proposed regulatory action does not have tribal implications under Executive Order 13175 that would require a tribal summary impact statement. The proposed rule would not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

H. Interference With Protected Property Rights (Executive Order 12630)

The proposed regulatory action is not subject to Executive Order 12630 because it does not involve implementation of a policy that has takings implications or that could impose limitations on private property use.

List of Subjects

2 CFR Part 2998

Administrative practice and procedure, Debarment and suspension, Government procurement, Grant programs; Grants administration, Reporting and recordkeeping requirements.

29 CFR Part 95

Foreign governments, Grants and agreements with institutions of higher education, hospitals, and other non–profit organizations, and with commercial organizations, Organizations under the jurisdiction of foreign governments, and International organizations.

29 CFR Part 98

Governmentwide debarment and suspension (nonprocurement).

Dated: April 22, 2016.

T. Michael Kerr,

Assistant Secretary for Administration and Management.

Accordingly, for the reasons set forth in the preamble, and under the authority of 5 U.S.C. 301; E.O. 12549 (3 CFR, 1986 Comp. p.189); E.O. 12689 (3 CFR, 1989 Comp. p.235); sec 2455 Public Law 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note), the United States Department of Labor amends the Code of Federal Regulations, Title 2, Subtitle B, and Parts 95 and 98 of Subtitle B of Title 29, as follows:

Title 2—Grants and Agreements

CHAPTER XXIX—DEPARTMENT OF LABOR

■ 1. Add part 2998 to chapter XXIX of subtitle B to read as follows:

PART 2998—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.
2998.10 What does this part do?
2998.20 Does this part apply to me?
2998.30 What policies and procedures must I follow?

Subpart A—General

2998.137 Who in the DOL may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

2998.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

2998.332 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

2998.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

Subparts E Through J—[Reserved]

Authority: 5 U.S.C. 301; E.O. 12549 (3 CFR, 1986 Comp., p.189); E.O. 12689 (3 CFR, 1989 Comp., p.235); sec 2455 Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note).

§ 2998.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) guidance in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Labor (DOL) policies and procedures for non-procurement debarment and suspension. It thereby gives regulatory effect for DOL to the OMB guidance as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, "Debarment and Suspension" (3 CFR 1986 Comp., p. 189); Executive Order 12689, "Debarment and Suspension" (3 CFR 1989 Comp., p. 235); and section 2455 of the Federal Acquisition Streamlining Act of 1994, 103 (31 U.S.C. 6101 note).

§ 2998.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB guidance in subparts A through I of 2 CFR part

180 (see table at 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a "covered transaction" (see subpart B of 2 CFR part 180 and the definition of "non-procurement transaction" at 2 CFR 180.970);

(b) Respondent in a Department of Labor suspension or debarment action;

(c) Department of Labor debarment or suspension official; or

(d) Department of Labor grants officer, agreements officer, or other official authorized to enter into any type of non-procurement transaction that is a covered transaction.

§ 2998.30 What policies and procedures must I follow?

(a) The Department of Labor's policies and procedures that you must follow are specified in:

(1) Each applicable section of the OMB guidance in subparts A through I of 2 CFR part 180; and

(2) The supplement to each section of the OMB guidance that is found in this part under the same section number. (The contracts that are covered transactions, for example, are specified by section 220 of the OMB guidance (*i.e.,* 2 CFR 180.220) as supplemented by section 220 in this part (*i.e.,* Sec. 2998.220)).

(b) For any section of OMB guidance in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, the Department of Labor's policies and procedures are those in the OMB guidance.

Subpart A—General

§ 9808.137 Who in DOL may grant an exception to let an excluded person participate in a covered transaction?

Within the Department of Labor, the Secretary of Labor or designee has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB guidance at 2 CFR 180.135. If any designated official grants an exception, the exception must be in writing and state the reason(s) for deviating from the government-wide policy in Executive Order 12549.

Subpart B—Covered Transactions

§ 2998.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b) of the OMB guidance, this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the Department of Labor under a covered non-procurement transaction. This extends the coverage of the Department of Labor non-procurement suspension and debarment requirements to all lower tiers of subcontracts under covered non-procurement transactions, as permitted under the OMB guidance at 2 CFR 180.220(c) (see optional lower tier coverage in the figure in the appendix to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 2998.332 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

You, as a participant, must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of the OMB guidance in 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 2998.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435 of the OMB guidance, you must include a term or condition in the transaction that requires the participant's compliance with Subpart C of 2 CFR part 180, and supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E Through J—[Reserved]

Title 29—Labor

PART 95—[AMENDED]

■ 2. The authority citation for part 95 continues to read as follows:

Authority: 5 U.S.C. 301; OMB Circular A–110, as amended, as codified at 2 CFR part 215.

§ 95.2 [Amended]

■ 3. Section 95.2 is amended in paragraph (mm) by revising the first citation "29 CFR part 98" to read "2 CFR part 2998" and revising the second citation "29 CFR part 98, subpart D" to read "29 CFR part 98".

§ 95.13 [Amended]

■ 4. Section 95.13 is amended by revising the citation "29 CFR part 98" to read "2 CFR part 2998".

§ 95.44 [Amended]

■ 5. Section 95.44 is amended in paragraph (d) by revising the citation "29 CFR part 98" to read "2 CFR part 2998".

§ 95.62 [Amended]

■ 6. Section 95.62 is amended in paragraph (d) by revising the citation "29 CFR part 98" to read "2 CFR part 2998".

Appendix A to Part 95 [Amended]

■ 7. Appendix A to part 95 is amended in paragraph 7 by revising the citation "29 CFR part 98" to read "2 CFR part 2998".

PART 98—[REMOVED]

■ 8. Remove part 98.

[FR Doc. 2016–10015 Filed 4–28–16; 8:45 am]

BILLING CODE 4510–7B–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1436

RIN 0560–AI35

Farm Storage Facility Loan (FSFL) Program; Portable Storage Facilities and Reduced Down Payment for FSFL Microloans

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Farm Service Agency (FSA) administers the FSFL Program on behalf of the Commodity Credit Corporation (CCC). This rule amends the FSFL Program regulations to add eligibility for portable storage structures, portable equipment, and storage and handling trucks, and to reduce the down payment and documentation requirements for a new "microloan" category of FSFLs up to $50,000. These changes are intended to address the needs of smaller farms and specialty crop producers. This rule also includes technical and clarifying changes that are consistent with how the FSFL Program is already implemented, including specifying commodities that are already eligible for FSFLs but are not currently listed in the regulations, and changing the required life span of the storage facility from a minimum of 15 years to a minimum of the FSFL term, plus any extensions.

DATES: *Effective:* April 29, 2016.

FOR FURTHER INFORMATION CONTACT: Toni Williams; phone (202) 720–2270.

Persons with disabilities who require alternative means of communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Background on the FSFL Program

The FSFL Program is a CCC program administered by FSA. As specified in the CCC Charter Act (15 U.S.C. 714b), the goal of the FSFL Program is to increase producer-owned storage capacity to alleviate national, regional, and local shortages in the storage of eligible commodities. FSFLs are available in amounts up to $500,000 for terms not to exceed 12 years.

The FSFL Program provides low-cost financing for producers to build or upgrade on-farm storage and handling facilities. FSFLs can be used for items such as drying and cooling equipment, safety equipment, and new concrete foundations, as well as for storage buildings and grain bins. The FSFL Program benefits producers who lack local commercial storage options or have limited marketing options for their commodities at harvest time. This rule does not change the basic administrative structure and nature of the FSFL Program.

Having on-farm storage helps producers to sell their crop at a time when the market is favorable for them, rather than being forced to sell immediately after harvest or pay for commercial storage. Producers can use on-farm storage to store livestock feed grown on-farm, rather than buying feed. On-farm storage allows producers to better serve their customers that buy commodities throughout the year. FSFLs are for storage and handling facilities and equipment only; FSFLs are not made for crop production equipment. For example, cold storage facilities to store aquaculture products are eligible for FSFLs, but not tanks in which to raise live aquaculture species.

Eligible commodities for which an FSFL is available include:

- Aquaculture;
- Floriculture;
- Fruits (including nuts) and vegetables;
- Harvested as whole grain: Corn, grain sorghum, rice, soybeans, oats, wheat, sugar, peanuts, barley, and minor oilseeds;
- Harvested as other-than-whole grain: Corn, grain sorghum, wheat, oats, and barley;
- Hay;
- Honey;
- Hops;
- Maple sap;
- Meat and poultry;
- Milk;
- Other grains (triticale, spelt, and buckwheat);
- Pulse crops (lentils, chickpeas, and dry peas);
- Renewable biomass;
- Rye;
- Eggs; and
- Cheese, butter and yogurt.

As part of the application process, FSFL borrowers must demonstrate a satisfactory credit history and an ability to repay the debt. All FSFLs are secured by the facility or equipment for which the FSFL is made. Each FSFL must be secured by a promissory note and security agreement. FSFLs greater than $100,000 require additional security, which typically is a lien on the real estate parcel on which the structure is located or another form of security acceptable to USDA, such as a deed of trust or irrevocable letter of credit. As part of the application process, borrowers must demonstrate their need for storage capacity based on their historical production of eligible commodities.

Intended Impact of This Rule

As part of an ongoing effort to improve the effectiveness of our programs, FSA evaluated the needs of smaller farms and identified potential barriers to their eligibility for FSFLs. Smaller farms and specialty crop producers typically have limited commercial financing options to purchase or upgrade storage and handling facilities that would allow them to expand their business, and with limited capital resererves, may struggle to meet the down payment requirements for FSFLs. Beginning farmers sometimes do not have the production history to demonstrate the need for additional storage capacity. Specialty crop producers have a need for portable equipment such as storage trucks to store and deliver fresh commodities to farmers markets, and need financing to own rather than rent that equipment.

The changes in the rule are primarily intended to help smaller farms and specialty crop producers who have not previously participated in the FSFL Program. Traditional grain producers and large farm operations who have historically been the key customers for the FSFL Program may also benefit if they have a need for portable equipment and portable storage such as portable grain handling equipment and scales, which were not previously eligible for FSFL.

Reduced Down Payment and Documentation Requirements for FSFL Microloans

This rule defines "FSFL microloan" as a new category of the FSFL program. An FSFL microloan is a loan for which the producer's total outstanding balance for all of their outstanding FSFLs is less than or equal to $50,000 at the time of loan application and disbursement. This rule defines the down payment and documentation requirements for an FSFL microloan. Some of the requirements for the FSFL microloan category are different from the existing requirements that will continue to apply to all loans greater than $50,000. Producers can have more than one FSFL outstanding at a time, so the definition is based on the "aggregate" or total outstanding balance to the borrower. For example, a new FSFL of $50,000 would be an FSFL microloan if the producer didn't have any other outstanding FSFLs. A producer with an outstanding balance of $20,000 on an existing FSFL could get an additional FSFL for $30,000 and that second FSFL would be considered an FSFL microloan. However, if the second FSFL was for $40,000, then it would not be considered an FSFL microloan because the aggregate total of the two FSFLs would be $60,000, which exceeds the $50,000 FSFL microloan aggregate outstanding balance threshold.

The $50,000 limit for FSFL microloans is consistent with the FSA Farm Loan Programs Microloan Program limit established as specified in section 5106 of the Agricultural Act of 2014 (Pub. L. 113–79, referred to as the 2014 Farm Bill), amending the Consolidated Farm and Rural Development Act of 1972 (Pub. L. 92–419) (7 U.S.C. 1943), to set the limit of $50,000 for the total microloan indebtedness outstanding at any one time to any single borrower.

This rule specifies a smaller down payment for FSFL microloans than for loans over $50,000 and also specifies different documentation requirements. The smaller down payment requirement for FSFL microloans is intended to help small farm operations, such as beginning farmers, niche and non-traditional farm operations. Currently, the FSFL minimum down payment requirement of the net cost of the storage facility is 15 percent, which may be a difficult requirement for small farms or new farm operations. The rule establishes the down payment requirement for an FSFL microloan at 5 percent of the net cost of the eligible storage facility (costs that may be included in the net cost are specified in § 1436.9(b)) for producers who have no more than $50,000 in total outstanding FSFL indebtedness when the FSFL microloan is made and disbursed. For example, on a $35,000 FSFL to purchase a bulk milk storage tank, the minimum down payment required under these new rules would now be $1,750 instead of $5,250.

For FSFL applications in the new microloan category, this rule also does not require that producers demonstrate storage needs based on 3 years of production history. Instead, the producer applying for an FSFL microloan will have the option to self-certify the farm's storage needs at the time of application, and will not be required to file acreage reporting on an FSA–578 to qualify for an FSFL microloan. (Many producers will need to continue to file an FSA–578 to establish eligibility for other FSA programs.) This distinction for FSFL microloans as compared to regular FSFLs allows applicants for FSFL microloans to self-certify their commodity storage and handling needs. The change is intended to assist smaller start-up farm operations, which may not be able to meet the existing 3-year production requirement. The self-certified information will be used by FSA county- and State-level personnel to determine FSFL eligibility and feasibility. The requirement to document 3 years of production history to justify storage needs will remain for non-microloan FSFLs to borrowers with an aggregate outstanding FSFL indebtedness above $50,000. FSFL microloans will be for a term of 3, 5 or 7 years, with the loan term selected by the producer at the time of application. The loan term for used equipment will be 3 or 5 years.

Portable Storage and Handling Equipment, and Storage and Handling Trucks

This rule expands the FSFL program to include new and used portable storage and handling equipment and storage and handling trucks. Portable or used storage and handling equipment have not previously been eligible for an FSFL. This rule adds definitions for "portable storage and handling equipment" and "storage and handling trucks." This rule revises the definition of "collateral" to include these new types of equipment. Approval requirements for portable storage and handling equipment and those requirements for storage and handling trucks will be specified in the FSA Handbook.

In § 1436.6, "Eligible storage and handling equipment," this rule adds new provisions for new and used portable storage and handling equipment. Portable storage and handling equipment includes components such as, but not limited to: Conveyors, augers, vacuums, pilers, scales, batch dryers, storage containers, and other necessary equipment used to handle and maintain eligible commodities being stored. The new provisions ensure efficient operation of the storage and handling of eligible commodities and provides affordable financing so producers can obtain the necessary equipment. For example, if the producer's eligible commodities are fruits and vegetables that sell in farmers markets, the producer will be able to use the FSFL to purchase equipment to weigh vegetables, forklifts to handle the fruits and vegetables, and portable storage containers to store fruits and vegetables for short or extended periods of time. Eligible portable storage facilities include manufactured storage containers that may be used when transported, hitched, or mounted on a trailer or truck for the purpose of storing and handling eligible commodities. All storage and handling trucks must be registered with the applicable State Motor Vehicle Administration (MVA) and all State and local MVA laws, insurance, and title provisions must be adhered to before loan disbursement. The minimum requirement for insurance will require that the producer must obtain insurance equal to the value of the security at the time of loan closing and maintain that insurance for the term of the loan. The insurance obtained by the applicant should be the standard insurance policy for the locality in which the property is located and CCC will be listed as loss payee.

Portable handling equipment for eligible storage commodities will allow a producer to use equipment for more than one storage facility located on the farm. Portable handling equipment includes, but is not limited to, hydraulic self-propelled fork lifts, wheel loaders, grippers, skid steers, front-end loader attachments, or 3-point hitch lifts. Portable handling equipment for eligible storage commodities is often less expensive than affixed equipment, which is especially beneficial to smaller farm operations that may have lower gross incomes available to repay FSFLs.

FSA will add certain details and examples in program related handbooks, that will further explain requirements for types of eligible portable equipment that are being added by this rule. The promise to pay and security requirements for FSFL microloans and other types of FSFL will be outlined in the Promissory Note and Security Agreement, which FSA will provide to the borrower before loan closing. Requirements for how and where to apply for a loan are not changing, and are specified in § 1436.4, "Application for Loans." Additionally, in order to protect FSA's security interest, throughout the loan term, the Promissory Note and Security Agreement will specify that FSA must have access, which is consistent with the requirement in § 1436.15(e), to the portable collateral to ensure the equipment is being used for its intended purpose and required compliance inspections.

The specific procedures for portable collateral liens, which are applicable to State and local laws for perfecting liens, and allowing FSA physical access to inspect portable collateral to ensure the collateral is being used for its intended purpose will be specified in FSA program related handbooks and in the Promissory Note and Security Agreement. For example, CCC seals with identifiable numbers may be placed on the FSFL portable collateral and storage and handling trucks, and a CCC lien will be recorded at the State or county courthouse for the collateral and with the State MVA for storage and handling trucks, according to State and local laws. This is consistent with current FSFL practice for liens on other types of storage facilities and equipment when the FSFL is $100,000 or less: There is a lien on the collateral (the building or equipment), but no additional security required. Most FSFLs for portable equipment and storage and handling trucks, in general, are expected to be under $100,000, have a maximum of four axles, and have a gross vehicle weight rating of 60,000 lbs. or less.

New and used portable equipment determined to be eligible for an FSFL by the FSA Deputy Administrator for Farm Programs include, but are not limited to, bulk tanks, conveyors, augers, scales, vacuums, pilers, scales, batch dryers, and storage containers. The FSFL request for portable storage and handling equipment will be processed using the existing FSFL process; FSA county office reviewers will review FSFL applications to determine the producer's on-farm production and storage and handling needs for eligible commodities. Loans associated with portable storage and handling equipment and storage and handling trucks may be applied for under an FSFL microloan or regular FSFL request. However, loans for defined used storage and handling equipment or trucks may not have a loan term greater than 5 years.

FSFL Terms and Extensions

This rule provides flexibility to the FSA Deputy Administrator for Farm Programs to establish new loan terms, for commodities other than sugar, not to exceed 12 years based on the FSFL principal and request type. With the addition of FSFLs for portable storage and handling equipment and trucks, new or used, and the new provisions for FSFL microloans, we anticipate that the FSFL Program will make a greater number of FSFLs with smaller loan amounts than in the past. Shorter loan terms of 3 or 5 years for example, may be more appropriate for these smaller FSFLs and more specifically, for used portable storage and handling equipment and trucks; in the past, producers have requested a shorter loan term, but that option had not previously been available. For example, producers have asked FSA for shorter loan terms on FSFLs with larger loan amounts so that their real estate collateral does not have a lien for many years.

Prior to this rule, the regulations have specified that no extensions of the loan term (refinancing to extend the maturity date) are possible, and that the FSFL must be repaid in full at the end of the loan term. In order to permit consideration of external factors that may warrant discretion to extend the loan term, this rule allows extensions when, at the discretion of the Deputy Administrator, unforeseen weather events, unexpected changes to a farming operation (such as unexpected or unplanned departure of a member or partner), unexpected low commodity prices, or other matters, as determined appropriate by the Deputy Administrator, adversely impact the borrower's ability to repay the FSFL by the end of the loan's term. The borrower agrees to the loan term (maturity date of the loan) through the Promissory Note at the time of loan distribution. Borrowers who have already agreed to a loan's term have no right to an extension or even the consideration of a request for extension; however, the regulation will permit the Deputy Administrator to exercise discretion to consider a request to extend a loan's term. This will allow FSA to better manage potentially delinquent debt in the portfolio. It is expected that extensions would be for 1 or 2 years, to be decided on a case by case basis.

Although the rule will now allow the Deputy Administrator the discretion to consider extension requests, if the Deputy Administrator chooses not to consider the extension request, then there are no appeal rights because the borrower is not entitled to an extension at any time. However, if the Deputy Administration does consider an extension request and makes a decision to deny the extension or grant a shorter than requested extension, then the borrower may appeal that determination.

Miscellaneous and Clarifying Changes

In addition to the substantive provisions discussed above, this rule makes a number of clarifying and housekeeping changes to make the rules clear and consistent with how the FSFL Program is currently implemented.

This rule adds a definition for "facility" to specify that a facility includes any on-farm storage and handling facility or structure, storage and handling equipment, or storage and handling truck.

This rule adds a definition for "off farm paid labor." This definition is needed to clarify that paying workers who are not regular or seasonal employees, but are only hired to construct or install the storage facility, is an eligible FSFL expense.

This rule specifies the full list of currently eligible commodities in the definition of "facility loan commodity." The CCC Charter Act, in 15 U.S.C. 714b, authorizes CCC to make FSFLs to grain producers needing grain storage facilities in areas where the Secretary determines a deficiency of such storage exists. The Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246, referred to as the 2008 Farm Bill) provides discretionary authority to the Secretary to add additional storable commodities to the list of eligible crops for the FSFL Program. FSA's intent for adding new FSFL commodities is to provide increased access to capital to smaller and specialty producers to purchase and erect storage, drying, and handling facilities for their commodities.

FSA has used this authority, as delegated by the Secretary, to add eligible commodities through notices to the field and handbook changes.

This rule therefore changes the definition of "facility loan commodity" to add the discretionary additional commodities that are already eligible for FSFLs, but are not listed in the regulations. These commodities include specialty grains (triticale, spelt, and buckwheat), floriculture (flowers and ornamental plants), honey, maple sap, hops, rye, milk, cheese, butter, yogurt, meat, poultry, eggs, and aquaculture. A conforming change is made in § 1436.2, "Administration," to include the additional eligible commodities. In multiple sections, specific references to fruits, vegetables, and grains are removed, since many other types of commodities are eligible for the FSFL Program.

This rule amends the regulations in § 1436.9, "Loan Amount and Loan Application Approvals," to change the expiration of the 4 month FSFL approval period to 6 months, which was already implemented administratively. As part of the FSFL application process, the county committee determination form is provided to the applicant as part of the application package; on that form, it specifies the 6 month expiration date of the approval and specifies that loan funds will not be disbursed, except for any partial loan disbursement as allowed under the regulation, until the structure has been constructed, assembled, or installed and inspected. As indicated in the county committee determination form and this rule, as amended, 6 months is the timeframe, from approval to expiration, during which the facility must be completely and fully delivered, erected, constructed, assembled, or installed and a CCC representative has inspected and approved the facility. As specified in § 1436.9(a), the cost on which the FSFL is based is the net cost of the eligible facility, accessories, and services; those costs are not known until the FSFL construction or acquisition project is completed. Changing the expiration of the approval period to 6 months helps producers who have difficulty completing their FSFL project in 4 months. For various reasons, such as weather conditions, equipment delivery, or construction scheduling, FSA determined it usually takes more than 4 months for an FSFL construction project to be completed or equipment to be installed. Over a 2-year period, FSA piloted an FSFL approval change from 4 months to 6 months and confirmed the change was beneficial to producers and FSA staff. FSFL producers may also request an additional FSFL approval extension beyond 6 months, if it is determined necessary for the producer to complete the FSFL construction project. For example, if the FSFL request was approved on January 4 and was recorded as having an FSFL loan approval expiration date of July 4, then the producer would need to finish the FSFL project and have receipts from all the suppliers by July 4th. However, the producer may request an additional 6 months for a loan approval extension in June, before the loan approval window expires. After approval by the State or County Office Committee, the loan approval period in this example would be extended to January 4 of the following year.

Current FSFL provisions require that the storage facility or equipment must have a useful life of at least 15 years. That may not be a realistic requirement for portable equipment, so this rule changes the requirement for all FSFL storage and handling equipment, trucks and structures to have a useful life of at least the term of the loan and any authorized loan term extensions.

This rule revises the provisions in § 1436.1, "Applicability," to specify that unless otherwise specified in the regulation all of the provisions of 7 CFR part 1436 apply to FSFL microloans. This rule also revises the provisions in § 1436.4, "Application for Loans," to specify where the FSFL application must be submitted.

Availability of FSFL for Aquaculture

Aquaculture is one of the eligible commodities added to the definition of "facility loan commodity." Aquaculture species, for FSFL purposes, are defined as any species of aquatic organism grown as food for human consumption, or fish raised as feed for fish that are consumed by humans. Aquaculture species are perishable commodities and their quality can only be maintained for a limited period of time. The FSFL program provides cold storage facilities which may extend this period of time. The aquaculture storage capacity will be determined based on production for 1 year. All applicable State laws must be followed by the producer for storing aquaculture in the FSFL storage facility.

Pending a completed Environmental Assessment (EA), consistent with the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), and the Clean Water Act, FSA will consider whether the FSFL program could authorize holding or storage structures that will have uptake or discharge water that comes from natural sources, tributaries, coastal and ocean waters, or perennial waterways. FSA is currently making preparations to have the Environmental Assessment (EA) completed. Once the EA is completed, the findings will be posted on the FSA Web site at *https://www.fsa.usda.gov/programs-and-services/environmental-cultural-resource/nepa/current-nepa-documents/index*. A notice of the EA availability will be published in the **Federal Register**. Any substantive change to FSFL policy for aquaculture FSFL as a result of the EA will made through future rulemaking.

Flexibility in Implementation

This rule provides flexibility for the FSA Deputy Administrator, Farm Programs, or a State Committee to rescind authorization for self-certification of storage needs for FSFL microloans or provisions authorizing eligibility of portable collateral, such as storage and handling equipment and storage and handling trucks when it is determined such actions are having an adverse effect on the financial integrity of the FSFL Program. For example, if the FSFL default rate rises for smaller FSFLs or storage and handling equipment and trucks, specifically, portable facility FSFLs, FSA would have the ability to remove or implement additional administrative provisions, such as requiring additional security at a determined threshold, but not less than $50,000, to protect CCC's financial interest at the State or the national level. The authority can only be exercised at the State or national level; it cannot be used to disapprove or to add documentation requirements for individual FSFLs.

Notice and Comment

In general, the Administrative Procedure Act (5 U.S.C. 553) requires that a notice of proposed rulemaking be published in the **Federal Register** and interested persons be given an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation, except when the rule involves a matter relating to public property, loans, grants, benefits, or contracts. This rule involves loans, in addition, the regulations for this program are exempt from the notice and comment provisions of 5 U.S.C. 553 and the Paperwork Reduction Act (44 U.S.C. chapter 35), as specified in section 1601(c) of the 2008 Farm Bill, which allows that the regulations be promulgated and administered without regard to the notice and comment requirements in 5 U.S.C. 553.

Effective Date

The Administrative Procedure Act (5 U.S.C. 553) provides generally that before rules are issued by Government agencies, the rule must be published in the **Federal Register**, and the required publication of a substantive rule is to be not less than 30 days before its effective date. However, noted above, one of the exceptions is that section 553 does not apply to rulemaking that involves a matter relating to loans. Therefore, because this rule relates to loans, the 30 day effective period requirement in section 553 does not apply. This final rule is effective when published in the **Federal Register**. This will allow us to provide greater access to capital for small farms as soon as possible before the 2016 planting or harvesting season.

Executive Order 12866 and 13563

Executive Order 12866, "Regulatory Planning and Review," and Executive Order 13563, "Improving Regulation and Regulatory Review," direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) designated this final rule as not significant under Executive Order 12866 and, therefore, OMB did not review this final rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule is not subject to the Regulatory Flexibility Act because CCC is not required by any law to publish a proposed rule for public comments for this rulemaking.

Environmental Review

The environmental impacts of this rule have been considered in a manner consistent with the provisions of NEPA, the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and the FSA regulations for compliance with NEPA (7 CFR 799). Previous changes to the FSFL Program were analyzed and evaluated in a Programmatic Environmental Assessment and subsequent Finding of No Significant Impact (74 FR 71674) after the 2008 Farm Bill. FSA has determined that the provisions defined herein will not have a significant impact on the quality of the human environment either individually or cumulatively. Therefore, no Environmental Assessment or Environmental Impact Statement will be prepared for these regulatory changes. To consider additional FSFL provisions for aquaculture beyond those included in this rule, an Environmental

Assessment is being prepared to determine if any significant adverse impacts would be anticipated.

Executive Order 12372

Executive Order 12372, "Intergovernmental Review of Federal Programs," requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of the Executive Order are to foster an intergovernmental partnership and a strengthened Federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal Financial assistance and direct Federal development. For reasons specified in the final rule related notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), the programs and activities within this rule are excluded from the scope of Executive Order 12372.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, "Civil Justice Reform." This rule will not preempt State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. This rule will not have retroactive effect. Before any judicial action may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR parts 11 and 780 are to be exhausted.

Executive Order 13132

This rule has been reviewed under Executive Order 13132, "Federalism." The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, except as required by law. Nor will this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes or on the distribution of power and responsibilities between the Federal government and Indian tribes.

FSA has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under Executive Order 13175. If a Tribe requests consultation, FSA will work with the USDA Office of Tribal Relations to ensure meaningful consultation is provided.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments or the private sector. Agencies generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of $100 million or more in any 1 year for State, local, or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates, as defined in Title II of UMRA, for State, local, or tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 the UMRA.

SBREFA Congressional Review

This rule is not a major rule under SBREFA (Pub. L. 104–121). Therefore, there is no requirement to delay the effective date for 60 days from the date of publication to allow for Congressional review. This rule is effective on the date of publication in the **Federal Register**.

Federal Assistance Programs

The title and number of the Federal Domestic Assistance Program in the Catalog of Federal Domestic Assistance to which this rule applies is the Farm Storage Facility Loans—10.056.

Paperwork Reduction Act

The regulations in this rule are exempt from requirements of the Paperwork Reduction Act (44 U.S.C. Chapter 35), as specified in section 1601(c)(2) of the 2008 Farm Bill, which provides that the regulations for the programs in Title I of the 2008 Farm Bill be promulgated and administered without regard to the Paperwork Reduction Act.

E-Government Act Compliance

FSA is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 7 CFR Part 1436

Administrative practice and procedure, Loan programs–agriculture, Penalties, Price support programs, Reporting and recordkeeping requirements.

For the reasons discussed above, CCC amends 7 CFR part 1436 as follows:

PART 1436—FARM STORAGE FACILITY LOAN PROGRAM REGULATIONS

■ 1. The authority for part 1436 continues to read as follows:

Authority: 7 U.S.C. 7971 and 8789; and 15 U.S.C. 714–714p.

■ 2. In § 1436.1, designate the text as paragraph (a) and add paragraph (b) to read as follows:

§ 1436.1 Applicability.

* * * * *

(b) Unless specified otherwise in this part, for FSFL microloans, all provisions of this part apply.

■ 3. In § 1436.2, revise paragraph (g) to read as follows:

§ 1436.2 Administration.

* * * * *

(g) The purpose of the Farm Storage Facility Loan Program is to provide CCC funded loans for producers of grains, oilseeds, pulse crops, sugar, hay, renewable biomass, fruits and vegetables (including nuts), aquaculture, butter, cheese, eggs, floriculture, honey, hops, maple sap, meat, milk, poultry, rye, yogurt, and other grains and storable commodities, as determined by the Secretary, to construct or upgrade storage and handling facilities for the eligible facility loan commodities they produce.

■ 4. Amend § 1436.3 as follows:

■ a. Add in alphabetical order definitions for "Aquaculture," "ARS," and "CCC;"

■ b. Revise the definition of "Collateral;"

■ c. In the definition of "Commercial facility," remove the words "means any structure" and add the words "means any facility" in their place;

■ d. Add in alphabetical order definitions for "Deputy Administrator" and "Facility;"

■ e. Revise the definition of "Facility loan commodity;" and

■ f. Add in alphabetical order definitions for, "FSA", "FSFL", "FSFL microloan", "NAP", "NEPA", "NIFA", "Off-farm paid labor", "OSHA", "Portable equipment and storage structures", "Storage and handling truck", and "USDA."

The additions and revisions read as follows:

§ 1436.3 Definitions.

* * * * *

Aquaculture, for FSFL purposes, means any species of aquatic organism grown as food for human consumption, or fish raised as feed for fish that are consumed by humans.

* * * * *

ARS means the Agricultural Research Service of the USDA.

* * * * *

CCC means the Commodity Credit Corporation.

* * * * *

Collateral means the facility and any real estate used to secure the loan.

* * * * *

Deputy Administrator means the Deputy Administrator for Farm Programs, Farm Service Agency, including any designee.

ERS means the Economic Research Service, which is an agency of U.S. Department of Agriculture that is a primary source of economic information and research in the U. S. Department of Agriculture.

Facility means any on-farm storage and handling facility or structure, storage and handling equipment, or storage and handling truck, for which a producer may receive FSFL financing to acquire or upgrade. Such facilities can be new or used, fixed or portable.

Facility loan commodity means corn, grain sorghum, oats, wheat, barley, rice, raw or refined sugar, soybeans, sunflower seed, canola, rapeseed, safflower, flaxseed, mustard seed, crambe, sesame seed, other grains and oilseeds as determined and announced by CCC, dry peas, lentils, or chickpeas harvested as whole grain, peanuts, hay, renewable biomass, fruits and vegetables (including nuts), aquaculture, floriculture, hops, milk, rye, maple sap, honey, meat, poultry, eggs, cheese, butter, yogurt, and other storable commodities as determined by the Secretary. Corn, grain sorghum, wheat, and barley are included whether harvested as whole grain or other than whole grain.

* * * * *

FSA means the Farm Service Agency of the USDA.

FSFL means Farm Storage Facility Loan.

FSFL microloan means a loan for which the producer's aggregate outstanding FSFL balance will be equal to or less than $50,000 at the time of loan application and disbursement.

* * * * *

NAP means the Noninsured Crop Disaster Assistance Program.

NASS means the National Agricultural Statistics Service, which is an agency of U.S. Department of Agriculture that is a primary source of statistical information in the U. S. Department of Agriculture.

NEPA means the National Environmental Policy Act.

NIFA means the National Institute of Food and Agriculture of the USDA.

* * * * *

Off-farm paid labor means any laborer that does not work for the applicant on a regular basis and who is not hired as a seasonal worker.

OSHA means the Occupational Safety and Health Administration of the U.S. Department of Labor.

Portable equipment and storage structures means non-affixed equipment and storage containers that are manufactured to be mounted, hitched, or transported with a farm vehicle, truck, or trailer and its primary function is to store or handle eligible facility loan commodities at different farm, market, or storage locations. Examples of portable equipment include, but are not limited to, bulk tanks, conveyors, augers, scales, vacuums, pilers, scales, batch dryers, and storage containers.

* * * * *

Storage and handling truck means a CCC-approved commodity storage truck or van designed to carry eligible commodities and may be equipped with a variety of mechanical refrigeration systems and will be used to store, handle, and move eligible commodities from the producer's farm location to market or storage.

* * * * *

Term of loan means the duration, in years, of a loan payable in a fixed number of equal installments as specified in section 1436.7. The terms for an FSFL are 3, 5, 7, 10, or 12 years.

USDA means the United States Department of Agriculture.

■ 5. Amend § 1436.4 by revising paragraph (a) and adding paragraph (e) to read as follows:

§ 1436.4 Application for loans.

(a) An application for an FSFL must be submitted to the administrative FSA county office that maintains the records of the farm or farms to which the applicant applies. If some or all of the land does not have farm records established, the application may be submitted to the FSA county office that services the county where the FSFL financed equipment or facility will be primarily located.

* * * * *

(e) The application must include documentation of the need for storage, or for FSFL microloans self-certification, as specified in § 1436.9.

■ 6. Amend § 1436.6 as follows:

■ a. Revise paragraph (a);

■ b. In paragraph (b) introductory text, remove the words "and fruits and vegetables";

■ c. Revise paragraph (b)(1);

■ d. In paragraph (c) introductory text, remove the words "and fruits and vegetables";

■ e. Remove paragraphs (c)(1), (3), and (6);

■ f. Redesignate paragraphs (c)(2), (4), and (5) as paragraphs (c)(1) through (3), respectively;

■ g. In newly redesignated paragraph (c)(2), add the word "or" at the end;

■ h. In newly redesignated paragraph (c)(3), remove "; and" and add a period in its place;

■ i. Revise paragraphs (d) and (e);

■ j. In paragraph (f)(1)(i), remove the words "New conventional-type" and add the words "Conventional-type" in their place;

■ k. In paragraph (f)(1)(ii), remove the words "New flat-type" and add the words "Flat-type" in their place;

■ l. In paragraph (f)(1)(iii), remove the words "New storage" and add the word "Storage" in their place;

■ m. Remove paragraphs (f)(3)(i) and (iii);

■ n. Redesignate paragraphs (f)(3)(ii), (iv), and (v) as paragraphs (f)(3)(i), (ii), and (iii), respectively;

■ o. In newly redesignated paragraph (f)(3)(ii), add the word "or" at the end;

■ p. In paragraph (g) introductory text, remove the words "fruit and vegetable";

■ q. In paragraph (g)(1), in the second sentence, remove the words "permanently installed";

■ r. Revise paragraphs (g)(2)(i) through (iv) and (g)(3) and (4); and

■ s. Add paragraphs (h) and (i).

The revisions and additions read as follows:

§ 1436.6 Eligible storage and handling equipment.

(a) All eligible storage and handling facilities must be one of the following types:

(1) Conventional-type cribs or bins designed and engineered for whole grain storage and having a useful life of at least the entire term of the loan;

(2) Oxygen-limiting storage structures or remanufactured oxygen-limiting storage structures built to the original manufacturer's design specifications using original manufacturer's rebuild kits or kits from a supplier approved by the Deputy Administrator, Farm Programs, and other upright silo-type structures designed for whole grain storage or other than whole grain storage and with a useful life of at least the entire term of the loan;

(3) Flat-type storage structures including a permanent concrete floor, designed for and primarily used to store facility loan commodities for the term of the loan and having a useful life of at least the entire term of the loan;

(4) Structures that are bunker-type, horizontal, or open silo structures designed for whole grain storage or other than whole grain storage and having a useful life of at least the entire term of the loan;

(5) Structures suitable for storing hay that are built according to acceptable design guidelines from the National Institute of Food and Agriculture (NIFA) or land-grant universities and with a useful life of at least the entire term of the loan;

(6) Structures suitable for storing renewable biomass that are built according to acceptable industry guidelines and with a useful life of at least the entire term of the loan; or

(7) Bulk storage tanks, as approved by the Deputy Administrator, suitable for storing any eligible loan commodity, as determined appropriate by county committees and having a useful life of at least the entire term of the loan.

(b) * * *

(1) Drying and handling equipment, including perforated floors determined by the FSA approving committee to be needed and essential to the proper functioning of the storage system;

* * * * *

(d) Loans for all eligible facility loan commodities, except sugar, may be approved for financing additions to or modifications of an existing storage facility with an expected useful life of at least the entire term of the loan if the county committee determines there is a need for the capacity of the structure, but loans will not be approved solely for the replacement of worn out items such as motors, fans, or wiring.

(e) Loans for all eligible facility loan commodities, except sugar, may be approved for facilities provided the completed facility has a useful life of at least the entire term of the loan. The pre-owned facility must be purchased and moved to a new location. Eligible items for such a loan include costs such as bin rings or roof panels needed to make a purchased pre-owned structure useable, aeration systems, site preparation, construction off-farm paid labor cost, foundation material and off-farm paid labor. Ineligible items for such a loan include the cost of purchasing and moving the used structure.

* * * * *

(g) * * *

(2) * * *

(i) A cold storage facility of wood pole and post construction, steel, or concrete, that is suitable for storing cold storage commodities produced by the borrower and having a useful life of at least the entire term of the loan;

(ii) Walk-in prefabricated cold storage coolers that are suitable for storing the producer's cold storage commodities and having a useful life of at least the entire term of the loan;

(iii) Equipment necessary for a cold storage facility such as refrigeration units or system and circulation fans;

(iv) Equipment to maintain or monitor the quality of commodities stored in a cold storage facility;

* * * * *

(3) FSFLs may be approved for financing additions or modifications to an existing storage facility having an expected useful life of at least the entire term of the loan if CCC determines there is a need for the capacity of the cold storage facility.

(4) FSFLs will not be made for structures or equipment that are not suitable for facility loan commodities that require cold storage.

* * * * *

(h) Storage and handling trucks for facility loan commodities are authorized according to guidelines established by the Deputy Administrator. Storage and handling trucks may include, but are not limited to, cold storage reefer trucks, grain haulers, and may also include storage trucks with a chassis unit. The Deputy Administrator, Farm Programs, or a State Committee may rescind this provision on a Statewide basis if it is determined that allowing loans for storage and handling trucks has increased loan defaults and is not in the best interest of CCC.

(i) The loan collateral must be used for the purpose for which it was delivered, erected, constructed, assembled, or installed for the entire term of the loan.

■ 7. Amend § 1436.7 by revising paragraphs (a) and (b) to read as follows:

§ 1436.7 Loan term.

(a) For eligible facility loan commodities other than sugar, the term of the loan will not exceed 12 years, based on the total loan principal and loan request type, from the date a promissory note and security agreement is completed on both the partial and final loan disbursement. As determined by the Deputy Administrator, used equipment FSFLs may have a loan term of 3 or 5 years. The applicant will choose a loan term, based on the loan request type at the time of submitting the loan application and total cost estimates. Available loan terms are 3, 5, 7, 10, or 12 years; available terms for a specific loan will be based on the loan principal and facility or equipment type.

(b) The Deputy Administrator has the discretion and authority to extend loan terms for 1 or 2 years, on a case by case basis. Loan term extensions will only be granted after a written request is received from the producer before loan term expires and when determined appropriate by Deputy Administrator to assist borrowers with additional loan servicing options. Producers and participants who have already agreed to the loan term (maturity date) have no right to an extension of the loan term. The borrower agrees to the loan term through the Promissory Note at the time of distribution. The Deputy Administrator's refusal to exercise discretion to consider an extension will not be considered an adverse decision or a failure to act under any law or regulation and, therefore, is not appealable. Participants are not entitled to extensions or the consideration of a request for extension.

* * * * *

■ 8. Amend § 1436.8 as follows:

■ a. In paragraph (a) introductory text, remove the words "farm storage";

■ b. In paragraph (a)(2), in the last sentence, remove the word "storage";

■ c. Add paragraph (a)(3);

■ d. In paragraph (b) introductory text, in the first sentence, remove the word "storage";

■ e. Revise paragraph (b)(1); and

■ f. In paragraph (c) introductory text, in the first sentence, remove the words "farm storage".

The addition and revision read as follows:

§ 1436.8 Security for loan.

(a) * * *

(3) CCC will hold title in accordance to applicable State laws and motor vehicle administration title provisions, to all eligible equipment, structures, components and storage and handling

trucks acquired using loan proceeds under this part.

(b) * * *

(1) Agree to increase the down payment on the facility loan from 15 percent to 20 percent, except for an FSFL microloan; or

* * * * *

■ 9. Amend § 1436.9 as follows:

■ a. Revise paragraph (b) introductory text;

■ b. In paragraph (b)(1), remove "new" and add "recently required" in its place;

■ c. Revise paragraph (c);

■ d. In paragraph (d)(1) introductory text, remove "sugar and fruits and vegetables" and add "sugar, cold storage commodities, maple sap, and milk" in their place;

■ e. In paragraph (d)(3) introductory text, remove "for fruits and vegetables";

■ f. Revise paragraphs (d)(3)(i) and (d)(4);

■ g. Add paragraph (d)(5); and

■ h. Revise paragraph (h).

The revisions and addition read as follows:

§ 1436.9 Loan amount and loan application approvals.

* * * * *

(b) The net cost for all facilities:

* * * * *

(c) The maximum total principal amount of the FSFL, except for FSFL microloans, is 85 percent of the net cost of the applicant's needed facility, not to exceed $500,000 per loan. For FSFL microloans the maximum total principal amount of the farm storage facility loan is 95 percent of the net costs of the applicant's needed storage, handling facility, including drying and handling equipment, or storage and handling trucks, not to exceed an aggregate outstanding balance of $50,000.

* * * * *

(d) * * *

(3) * * *

(i) Multiply the average of the applicant's share of production or of acres farmed for the most recent 3 years for each eligible commodity requiring cold storage at the proposed facility;

* * * * *

(4) For all eligible facility loan commodities, except sugar, if acreage data is not practicable or available for State and County Committees or authorized FSA staff to determine the storage need, specifically, but not limited to, maple sap, eggs, butter, cheese, yogurt, milk, meat and poultry, a reasonable production yield, such as ERS or NASS data may be used to determine the storage capacity need. A reasonable production yield may also be used for newly acquired farms, specialty farming, changes in cropping operations, prevented planted acres, or for facility loan commodities being grown for the first time.

(5) For FSFL microloans if the FSA State and county committees determine that self-certification is practicable based on the applicant's farm operation, then CCC may allow applicants to self-certify to the storage capacity need. The Deputy Administrator, Farm Programs, or an FSA State committee may rescind the FSFL microloan provision on a Statewide basis if it is determined that allowing FSFL microloans has increased the likelihood of loan defaults and is not in the best interest of CCC.

* * * * *

(h) The Farm storage facility loan approval period, which is the timeframe, from approval until expiration, during which the facility must be completely and fully delivered, erected, constructed, assembled, or installed and a CCC representative has inspected and approved such facility for all eligible facility loan commodities except sugar, will expire 6 months after the date of approval unless extended in writing for an additional 6 months by the FSA State Committee. A second 6 month extension, for a total of 18 months from the original approval date, may be approved by the FSA State Committee. This authority will not be re-delegated. Sugar storage facility loan approvals will expire 8 months after the date of approval unless extended in writing for an additional 4 months by the FSA State Committee.

* * * * *

■ 10. Amend § 1436.10 as follows:

■ a. In paragraph (a), remove the word "storage"; and

■ b. Add paragraph (d).

The addition reads as follows:

§ 1436.10 Down payment.

* * * * *

(d) The minimum down payment for an FSFL will be 5 percent for an FSFL microloan and 15 percent for all other FSFLs, with the down payment to be calculated as a percentage of net cost as specified in § 1436.9. As specified in § 1436.8, a larger down payment may be required to meet security requirements.

§ 1436.11 [Amended]

■ 11. Amend § 1436.11(a)(3) by removing the words "farm storage".

■ 12. Amend § 1436.15 as follows:

■ a. Revise paragraph (a);

■ b. In paragraph (b), remove the word "loan" both times it appears;

■ c. In paragraph (d), remove the words "Structures must" and add the words "Facilities must" in their place, and remove the words "structure" and "structural";

■ c. In paragraph (e), remove the words "of ingress and egress" add the words "to enter, leave, and return to the property" in their place.

The revision reads as follows:

§ 1436.15 Maintenance, liability, insurance, and inspections.

(a) The borrower must maintain the loan collateral in a condition suitable for the storage or handling of one or more of the facility loan commodities.

§ 1436.16 [Amended]

■ 13. Amend § 1436.16(c) by removing the words "or other property".

Val Dolcini,

Administrator, Farm Service Agency, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2016–09949 Filed 4–28–16; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket No. EERE–2009–BT–TP–0016]

RIN 1904–AD58

Energy Conservation Program: Clarification of Test Procedures for Fluorescent Lamps Ballasts

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: On November 4, 2015, the U.S. Department of Energy (DOE) issued a notice of proposed rulemaking (NOPR) to clarify the test procedures for fluorescent lamp ballasts. That proposed rulemaking serves as the basis for the final rule. DOE is issuing a final rule to replace all instances of ballast efficacy factor (BEF) with ballast luminous efficiency (BLE) in its regulations concerning fluorescent lamps ballasts and to add rounding instructions to the same section for BLE and power factor. DOE is also clarifying the represented value instructions for power factor. Finally, DOE is amending Appendix Q to clarify the lamp-ballast pairings for testing.

DATES: The effective date of this rule is May 31, 2016. The final rule changes will be mandatory for product testing starting June 28, 2016.

The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of May 31, 2016.

ADDRESSES: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at regulations.gov. All documents in the docket are listed in the regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *https://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/62.* This Web page will contain a link to the docket for this notice on the regulations.gov site. The regulations.gov Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT:

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC, 20585–0121. Telephone: (202) 287–1604. Email: *fluorescent_lamp_ballasts@ee.doe.gov.*

Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–1777. Email: *Sarah.Butler@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE is incorporating by reference the following industry standards into 10 CFR part 430.

(1) ANSI_IEC78.901–2005, Revision of ANSI C78.901–2001 ("ANSI C78.901"), American National Standard for Electric Lamps—Single-Based Fluorescent Lamps—Dimensional and Electrical Characteristics, approved March 23, 2005.

(2) IEC[1] 60081 (Amendment 4, Edition 5.0, 2010–02), "Double-capped fluorescent lamps—Performance specifications."

Copies of ANSI C78.901 and IEC 60081 can be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, or go to *http://webstore.ansi.org.*

Copies of these industry standards can also be reviewed in person at U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC, 20024. For further information on accessing standards incorporated by reference, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

This standard is discussed further in section IV.M.

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I. Authority and Background

Title III, Part B[2] of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, *et seq.;* "EPCA" or, "the Act") sets forth a variety of provisions designed to improve energy efficiency and established the "Energy Conservation Program for Consumer Products Other Than Automobiles."[3] These include fluorescent lamp ballasts, the subject of this final rule. (42 U.S.C. 6292(a)(13))

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) making representations about the efficiency of those products. Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA.

DOE published test procedure final rules on April 24, 1991, October 22, 2009, and May 4, 2011 (hereafter the "May 2011 test procedure final rule"), establishing active mode test procedures, standby and off mode test procedures, and revised active mode test procedures respectively. 56 FR 18677, 74 FR 54445, and 76 FR 25211. The May 2011 test procedure final rule established Appendix Q1[4] to subpart B of 10 CFR part 430. DOE also published final rules establishing and amending energy conservation standards for fluorescent lamp ballasts on September 19, 2000, and November 14, 2011 (hereafter the "November 2011 standards final rule"), which completed the two energy conservation standard rulemakings required under 42 U.S.C. 6295(g)(7). 65 FR 56740; 76 FR 70547. The November 2011 standards final rule established the regulations located at 10 CFR 430.32(m)(8)–(10), which were later relocated to 10 CFR 430.32(m)(1)–(4). DOE also published final rules on February 4, 2015 (hereafter the "February 2015 correction final rule") and on June 5, 2015 (hereafter the "June 2015 clarification final rule") to correct and clarify certain requirements and specifications in the CFR relating to energy conservation standards and test procedures. 80 FR 5896; 80 FR 31971.

This final rule adopts additional clarifications in support of the current test procedure. On November 4, 2015, DOE published a NOPR (hereafter the "November 2015 NOPR") proposing clarifications to the test procedures for fluorescent lamp ballasts. 80 FR 68274. That notice of proposed rulemaking serves as the basis for this final rule.

A. General Test Procedure Rulemaking Process

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA provides that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

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[1] International Electrotechnical Commission.

[2] For editorial reasons Part B was codified as Part A in the U.S. Code (42 U.S.C. 6291–6309, as codified).

[3] All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act of 2015, Public Law 114–11 (Apr. 30, 2015).

[4] Appendix Q1 was redesignated as Appendix Q in the June 2015 clarification final rule. 80 FR 31971 (June 5, 2015).

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency of any covered product as determined under the existing test procedure. (42 U.S.C. 6293(e)(1))

With respect to this rulemaking, DOE has determined that the four amendments it is adopting (replacing ballast efficacy factor with ballast luminous efficiency [described in section III.A], rounding requirements for ballast luminous efficiency [described in section III.B], rounding and represented value requirements for power factor [described in section III.C] and lamp pairings for testing [described in section III.D]) will not change the measured energy use of fluorescent lamp ballasts when compared to the current test procedure.

II. Synopsis of the Final Rule

In this final rule, DOE is amending the test procedure with several clarifications to the requirements for fluorescent lamp ballasts. DOE is replacing all instances of ballast efficacy factor (BEF) with ballast luminous efficiency (BLE) in 10 CFR 429.26 and adding rounding instructions in 10 CFR 429.26 for BLE and power factor. DOE is also clarifying the represented value instructions for power factor. Finally, DOE is revising Appendix Q to clarify the lamp-ballast pairings for testing.

Manufacturers are required to comply with the requirements included in this rulemaking starting 60 days after the publication of the final rule.

III. Discussion

A. Replacing Ballast Efficacy Factor With Ballast Luminous Efficiency

Manufacturers were previously required to use the test procedure for fluorescent lamp ballasts at 10 CFR part 430, subpart B, appendix Q to determine compliance with DOE's standards, which were expressed in terms of a BEF metric. The May 2011 test procedure final rule, which changed the test procedure to a measurement of BLE, established appendix Q1 to subpart B of 10 CFR part 430 to determine compliance with DOE's fluorescent lamp ballast standards. 76 FR 25211. On November 14, 2011, DOE issued amended standards for fluorescent lamp ballasts based on BLE and compliance with those standards has been required since November 14, 2014. 76 FR 70548. 10 CFR 430.32(m). Because the fluorescent lamp ballast standards based on BEF are no longer applicable, the June 2015 clarification final rule removed the test procedure for BEF at Appendix Q and redesignated the Appendix Q1 test procedure for BLE as Appendix Q. 80 FR 31971. To support the transition from BEF to BLE, DOE proposed in the November 2015 NOPR to replace all instances of BEF with BLE in 10 CFR 429.26.

NEMA commented that they agreed with DOE's suggested changes. (NEMA, No. 33 at p. 1)[5] DOE received no further comments in response to the proposed changes to 10 CFR 429.26. Therefore, DOE is replacing all instances of BEF with BLE in 10 CFR 429.26.

B. Rounding Requirements for Ballast Luminous Efficiency

Currently, rounding requirements are not provided for the represented value of BLE. When developing standards in the November 2011 standards final rule, DOE rounded BLE to the thousandths place when analyzing the costs and benefits of the adopted standard. For consistency with the November 2011 standards final rule, DOE proposed to specify rounding the represented value of BLE to the nearest thousandths place in a NOPR proposing clarifications to the test procedures for fluorescent lamp ballasts published on January 6, 2015 (hereafter the "January 2015 clarification NOPR"). 80 FR 404. NEMA agreed that rounding to the thousandths place is acceptable as long as significant figures are handled correctly. (NEMA, No. 30 at p. 3) However, DOE determined that rounding requirements would be more appropriately addressed in 10 CFR 429.26,[6] and thus did not adopt rounding requirements in the June 2015 clarification final rule. Thus, in the November 2015 NOPR, DOE proposed to amend 10 CFR 429.26 by specifying that the represented value of BLE must be rounded to the nearest thousandths place.

NEMA commented that they agreed with DOE's proposed amendments in the November 2015 NOPR. (NEMA, No. 33 at p. 1) DOE received no further comments on this clarification. Thus, based on the reasons presented in the November 2015 NOPR, DOE is adopting the clarification in 10 CFR 429.26 that the represented value of BLE must be rounded to the nearest thousandths place.

C. Rounding Requirements and Represented Value for Power Factor

Currently, rounding requirements are not provided for the represented value of power factor. Manufacturers have shown the capability to round to the nearest hundredths place. When reporting power factor in product literature and data sheets, it is standard for manufacturers to round to the nearest hundredths place. In the November 2015 NOPR, DOE proposed to amend 10 CFR 429.26 by specifying that the power factor must be rounded to the nearest hundredths place. DOE also proposed to add power factor to 10 CFR 429.26(a)(2)(ii) to clearly indicate the requirements for calculating the represented value of power factor prior to rounding.

NEMA commented that they agreed with DOE's proposed amendments. (NEMA, No. 33 at p. 1) DOE received no additional comments on the changes regarding power factor. Based on the reasons presented in the November 2015 NOPR, DOE is adopting the changes to 10 CFR 429.26 regarding power factor in this final rule.

D. Lamp Pairing for Testing

In the May 2011 test procedure final rule, DOE specified that ballasts are to be paired with the most common wattage lamp and provided a table (Table A of appendix Q of subpart B of 10 CFR part 430) to indicate which lamp should be used with each ballast. 76 FR 25211. Table A lists the ballast description along with the lamp type intended for testing. Though ballasts can frequently operate lamps of the same diameter but different wattages, DOE requires testing with only one lamp wattage per ballast. To clarify this requirement, in the January 2015 clarification NOPR, DOE proposed to indicate in section 2.3.1.7 of Appendix Q that each ballast should be tested with only one lamp type corresponding to the lamp diameter and base type the ballast is designed and marketed to operate. 80 FR 404, 415. For example, a ballast designed and marketed to operate both 32 watt (W) 4-foot medium bipin (MBP)

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[5] A notation in this form provides a reference for information that is in the docket of DOE's rulemaking to develop test procedures for fluorescent lamp ballasts (Docket No. EERE–2009–BT–TP–0016), which is maintained at *www.regulations.gov*. This notation indicates that the statement preceding the reference is document number 33 in the docket for the fluorescent lamp ballasts test procedure rulemaking, and appears at page 1 of that document.

[6] The January 2015 clarification NOPR proposed to include rounding requirements at 10 CFR 430.23.

T8 lamps and 28 W 4-foot MBP T8 lamps should only be tested with the 32 W lamp. DOE also proposed to indicate in section 2.3.1.5 of Appendix Q that a ballast designed and marketed to operate both T8 and T12 lamps must be tested with T8 lamps. 80 FR at 406. DOE adopted these proposed clarifications in the June 2015 clarification final rule. 80 FR 31971.

Regarding the proposal in the January 2015 clarification NOPR, NEMA recommended that DOE include the American National Standards Institute (ANSI) lamp abbreviations from ANSI C78.81[7] in Table A of Appendix Q of subpart B of 10 CFR part 430. (NEMA, No. 30 at p. 2) DOE did not address this lamp identification issue in the June 2015 clarification final rule because DOE wanted to provide opportunity for public comment on the proposed incorporation by reference of additional industry standards.

In the November 2015 NOPR, DOE agreed that referencing the ANSI and IEC lamp specifications would further clarify the lamp pairings used for testing. Section 2.3.1.3 of Appendix Q states that the fluorescent lamp used for testing must meet the specifications of a reference lamp as defined by ANSI C82.13 (IBR 430.3), and ANSI C82.13 states that the lamps used must operate at values of lamp voltage, lamp wattage and lamp current, each within 2.5 percent of the values given in the corresponding lamp standards found in ANSI C78.81 and ANSI C78.901. Therefore in the November 2015 NOPR, DOE proposed to add the appropriate page number corresponding to the lamp specifications in ANSI_ANSLG C78.81–2010 (hereafter "ANSI C78.81–2010"), ANSI_IEC C78.901–2005 (hereafter "ANSI C78.901–2005"),[8] and IEC 60081 (Amendment 4, Edition 5.0)[9] in parentheses alongside the contents of the Lamp Diameter and Base column of Table A of Appendix Q. To support these page number references, DOE proposed to incorporate by reference IEC 60081 (Amendment 4, Edition 5.0).

NEMA commented that they agreed with DOE's proposed amendments. (NEMA, No. 33 at p. 1) DOE received no additional comments regarding the addition of page number references to Table A of Appendix Q. Based on the reasons presented in the November 2015 NOPR, DOE is adopting these changes in this final rule.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute "significant regulatory actions" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IFRA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003 to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

This rulemaking clarifies existing requirements for testing and compliance with standards and does not change the burden associated with fluorescent lamp ballast regulations on any entity, large or small. Therefore, DOE concludes and certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Accordingly, DOE did not prepare a regulatory flexibility analysis for this rulemaking. DOE's certification and supporting statement of factual basis will be provided to the Chief Counsel for Advocacy of the SBA[10] for review under 5 U.S.C. 605(b). DOE certifies that this rule will have no significant impact on a substantial number of small entities.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of fluorescent lamp ballasts must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for fluorescent lamp ballasts, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including fluorescent lamp ballasts. See generally, 10 CFR part 429, subpart B. The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA).

DOE requested OMB approval of an extension of this information collection for three years, specifically including the collection of information proposed in the present rulemaking, and estimated that the annual number of burden hours under this extension is 30 hours per company. In response to DOE's request, OMB approved DOE's information collection requirements covered under OMB control number 1910–1400 through November 30, 2017. 80 FR 5099 (January 30, 2015).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE amends its test procedure for fluorescent lamp ballasts. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this rule amends an existing rule without affecting the amount, quality or distribution of energy usage, and, therefore, will not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

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[7] "American National Standard for Electric Lamps: Double-Capped Fluorescent Lamps—Dimensional and Electrical Characteristics" (approved Jan. 14, 2010).

[8] "American National Standard for Electric Lamps—Single-Based Fluorescent Lamps—Dimensional and Electrical Characteristics" (approved Mar. 23, 2005).

[9] ANSI C78.81 directs readers to IEC 60081 for lamp specifications for T5 miniature bipin lamps. IEC 60081 refers to "International Electrotechnical Commission Double-capped fluorescent lamps—Performance specifications" (approved Feb. 18, 2010).

[10] Small Business Administration.

E. Review Under Executive Order 13132

Executive Order 13132, "Federalism," 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, "Civil Justice Reform," 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed "significant intergovernmental mandate," and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights" 53 FR 8859 (March 18, 1988), that this regulation will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A "significant energy action" is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action is not a significant regulatory action under

Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

The proposed modifications to the test procedures addressed by this action reference certain sections of the commercial standards, ANSI C78.901–2005, "American National Standard for Electric Lamps—Single-Based Fluorescent Lamps—Dimensional and Electrical Characteristics" and IEC 60081, "International Electrotechnical Commission Double-capped fluorescent lamps—Performance specifications" (Amendment 4, Edition 5.0). DOE has evaluated these two standards and is unable to conclude whether they fully comply with the requirements of section 32(b) of the FEAA (*i.e.*, whether they were developed in a manner that fully provides for public participation, comment, and review.) DOE has consulted with both the Attorney General and the Chairman of the FTC about the impact on competition of using the methods contained in these standards and has received no comments objecting to their use.

M. Description of Standards Incorporated by Reference

In this final rule, DOE incorporates by reference the test standard titled ANSI C78.901–2005, "American National Standard for Electric Lamps—Single-Based Fluorescent Lamps—Dimensional and Electrical Characteristics". The proposed modifications to the test procedures addressed by this action reference certain sections of this commercial standard. ANSI C78.901 is readily available at *http://www.ansi.org.*

DOE also incorporates by reference the test standard published by IEC, titled "International Electrotechnical Commission Double-capped fluorescent lamps—Performance specifications," IEC 60081 (Amendment 4 Edition 5.0, 2010–02). IEC 60081 is an industry accepted standard that specifies dimensional and electrical characteristics related to fluorescent lamps (specifically T5 lamps) and is applicable to products sold in North America. The description of lamp-ballast pairings for testing amended in this final rule references IEC 60081. IEC 60081 is readily available on IEC's Web site at *http://webstore.ansi.org.*

N. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 804(2).

O. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects

10 CFR Part 429

Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on March 24, 2016.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE amends parts 429 and 430 of chapter II, subchapter D, of title 10, Code of Federal Regulations, as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.26 is amended by revising paragraphs (a)(2)(ii) introductory text and (b)(2) and adding paragraph (c) to read as follows:

§ 429.26 Fluorescent lamp ballasts.

(a) * * *

(2) * * *

(ii) Any represented value of the ballast luminous efficiency, power factor, or other measure of the energy efficiency or energy consumption of a basic model for which consumers would favor a higher value must be less than or equal to the lower of:

* * * * *

(b) * * *

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public product-specific information: The ballast luminous efficiency, the power factor, the number of lamps operated by the ballast, and the type of lamps operated by the ballast.

(c) *Rounding requirements.* (1) Round ballast luminous efficiency to the nearest thousandths place.

(2) Round power factor to the nearest hundredths place.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 3. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 4. Section 430.3 is amended by:

■ a. Adding in paragraph (e)(7) the text ", appendix Q," after the text "§ 430.2";

■ b. Redesignating paragraphs (p)(2) through (p)(4) as paragraphs (p)(3) through (p)(5) respectively; and

■ c. Adding new paragraph (p)(2) to read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(p) * * *

(2) IEC Standard 60081, ("IEC 60081"), *Double-capped fluorescent lamps—Performance specifications,* (Amendment 4, Edition 5.0, 2010–02); IBR approved for appendix Q to subpart B.

* * * * *

■ 5. Appendix Q to subpart B of part 430 is amended by revising Table A of section 2.3 to read as follows:

Appendix Q to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Fluorescent Lamp Ballasts

* * * * *

2.3 * * *

TABLE A—LAMP-AND-BALLAST PAIRINGS AND FREQUENCY ADJUSTMENT FACTORS

Ballast type	Lamp type		Frequency adjustment factor (β)	
	Lamp diameter and base	Nominal lamp wattage	Low-frequency	High-frequency
Ballasts that operate straight-shaped lamps (commonly referred to as 4-foot medium bipin lamps) with medium bipin bases and a nominal overall length of 48 inches.	T8 MBP (Data Sheet 7881–ANSI–1005–2)*	32	0.94	1.0
	T12 MBP (Data Sheet 7881–ANSI–1006–1)*	34	0.93	1.0
Ballasts that operate U-shaped lamps (commonly referred to as 2-foot U-shaped lamps) with medium bipin bases and a nominal overall length between 22 and 25 inches.	T8 MBP (Data Sheet 78901–ANSI–4027–1)*	32	0.94	1.0
	T12 MBP**	34	0.93	1.0
Ballasts that operate rapid-start lamps (commonly referred to as 8-foot-high output lamps) with recessed double contact bases and a nominal overall length of 96 inches.	T8 HO RDC (Data Sheet 7881–ANSI–1501–1)*	86	0.92	1.0
	T12 HO RDC (Data Sheet 7881–ANSI–1017–1)*	95	0.94	1.0
Ballasts that operate instant-start lamps (commonly referred to as 8-foot slimline lamps) with single pin bases and a nominal overall length of 96 inches.	T8 slimline SP (Data Sheet 7881–ANSI–1505–1)*	59	0.95	1.0
	T12 slimline SP (Data Sheet 7881–ANSI–3006–1)*	60	0.94	1.0
Ballasts that operate straight-shaped lamps (commonly referred to as 4-foot miniature bipin standard output lamps) with miniature bipin bases and a nominal length between 45 and 48 inches.	T5 SO Mini-BP (Data Sheet 60081–IEC–6640–5)*	28	0.95	1.0
Ballasts that operate straight-shaped lamps (commonly referred to as 4-foot miniature bipin high output lamps) with miniature bipin bases and a nominal length between 45 and 48 inches.	T5 HO Mini-BP (Data Sheet 60081–IEC–6840–4)*	54	0.95	1.0
Sign ballasts that operate rapid-start lamps (commonly referred to as 8-foot high output lamps) with recessed double contact bases and a nominal overall length of 96 inches.	T8 HO RDC (Data Sheet 7881–ANSI–1501–1)*	86	0.92	1.0
	T12 HO RDC (Data Sheet 7881–ANSI–1019–1)*	†110	0.94	1.0

MBP, Mini-BP, RDC, and SP represent medium bipin, miniature bipin, recessed double contact, and single pin, respectively.

A ballast must be tested with only one lamp type based on the ballast type description and lamp diameter it is designed and marketed to operate.

*Data Sheet corresponds to ANSI C78.81, ANSI C78.901, or IEC 60081 page number (incorporated by reference; see § 430.3).

**No ANSI or IEC Data Sheet exists for 34 W T12 MBP U-shaped lamps. For ballasts designed to operate only T12 2-foot U-shaped lamps with MBP bases and a nominal overall length between 22 and 25 inches, manufacturers should select a T12 U-shaped lamp designed and marketed as having a nominal wattage of 34 W.

†Lamp type is commonly marketed as 110 W, however the ANSI C78.81 Data Sheet (incorporated by reference; see § 430.3) lists nominal wattage of 113 W. Specifications for operation at 0.800 amperes (A) should be used for testing.

* * * * *

[FR Doc. 2016–10012 Filed 4–28–16; 8:45 a.m.]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–1288; Airspace Docket No. 15–ASW–23]

Establishment of Class E Airspace; Ketchum, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at South Grand Lake Regional Airport, Ketchum, OK, to accommodate new Standard Instrument Approach Procedures for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, July 21, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest

Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: 817–222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at South Grand Lake Regional Airport, Ketchum, OK.

History

On February 10, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace extending upward from 700 feet above the surface at South Grand Lake Regional Airport, Ketchum, OK, (81 FR 7040)). Docket No. FAA–2016–1288. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of South Grand Lake Regional Airport, Ketchum, OK, to accommodate new Standard Instrument Approach Procedures for IFR operations at the airport.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW OK E5 Ketchum, OK [New]

South Grand Lake Regional Airport, OK
(Lat. 36°32′47″ N., long. 095°00′49″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of South Grand Lake Regional Airport.

Issued in Fort Worth, TX, on April 20, 2016.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2016–09989 Filed 4–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–0835; Airspace Docket No. 16–ASW–1]

Establishment of Class E Airspace; Hollis, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Hollis Municipal Airport, Hollis, OK, to accommodate new Standard Instrument Approach Procedures for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, July 21, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: 817–222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Hollis Municipal Airport, Hollis, OK.

History

On February 4, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace extending upward from 700 feet above the surface at Hollis Municipal Airport, Hollis, OK, (81 FR 5946). Docket No. FAA–2016–0835. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of Hollis Municipal Airport, Hollis, OK, to accommodate new Standard Instrument Approach Procedures for IFR operations at the airport.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW OK E5 Hollis, OK [New]

Hollis Municipal Airport, OK
(Lat. 34°42′19″ N., long. 099°54′31″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hollis Municipal Airport.

Issued in Fort Worth, TX, on April 20, 2016.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2016–09994 Filed 4–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–5802; Airspace Docket No. 15–ASW–17]

Establishment of Class E Airspace; Horseshoe Bend, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Horseshoe Bend Airport, Horseshoe Bend, AR, to accommodate new Standard Instrument Approach Procedures for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, July 21, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: 817–222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Horseshoe Bend Airport, Horseshoe Bend AR.

History

On February 10, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace extending upward from 700 feet above the surface at Horseshoe Bend Airport, Horseshoe Bend, AR. (81 FR 7039). Docket No. FAA–2015–5802. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of Horseshoe Bend Airport, Horseshoe Bend, AR, to accommodate new Standard Instrument Approach Procedures for IFR operations at the airport.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW AR E5 Horseshoe Bend, AR [New]

Horseshoe Bend Airport, AR
(Lat. 36°13′17″ N., long. 091°45′20″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Horseshoe Bend Airport.

Issued in Fort Worth, TX, on April 20, 2016.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2016–09985 Filed 4–28–16; 8:45 am]

BILLING CODE 4910–13–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Part 2017

[Docket Number USTR–2016–0002]

RIN 0350–AA07

Establishment of a Petition Process To Review the Eligibility of Countries Under the African Growth and Opportunity Act

AGENCY: Office of the United States Trade Representative.

ACTION: Final rule.

SUMMARY: The Office of the United States Trade Representative (USTR)

published an interim final rule establishing a petition process to review the eligibility of countries for the benefits of the African Growth and Opportunity Act (AGOA) on March 18, 2016. USTR publishes this final rule to adopt and implement the interim final rule without change.

DATES: The final rule is effective on April 29, 2016.

FOR FURTHER INFORMATION CONTACT: For procedural questions, please contact Yvonne Jamison, Trade Policy Staff Committee, at 202–395–3475. Direct all other questions to Constance Hamilton, Deputy Assistant U.S. Trade Representative for African Affairs, at *Constance_Hamilton@ustr.eop.gov* or 202–395–9514.

SUPPLEMENTARY INFORMATION: On March 18, 2016 (81 FR 14716), USTR published an interim final rule, which added 15 CFR part 2017. The new Part 2017 establishes a petition process that supplements the annual (normal cycle) request for public comments on whether a beneficiary sub-Saharan African country is meeting the eligibility criteria and requirements of the AGOA program (*see, e.g.,* 80 FR 48951, Aug. 14, 2015). The interim final rule was effective upon publication and the public comment period closed on April 18, 2016. USTR did not receive any comments.

■ Accordingly, the interim rule published March 18, 2016 (81 FR 14716), is adopted as final without change.

Florizelle Liser,

Assistant U.S. Trade Representative for African Affairs.

[FR Doc. 2016–10016 Filed 4–28–16; 8:45 am]

BILLING CODE 3290–F6–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2014–0250; FRL–9945–91–Region 4]

Air Plan Approval; Removal of I/M Program in Memphis and Revisions to the 1997 8-Hour Ozone Maintenance Plan for Shelby County, Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State of Tennessee's May 23, 2014, State Implementation Plan (SIP) revision, submitted through the Tennessee Department of Environment and Conservation (TDEC) on behalf of the Shelby County Health Department (SCHD), seeking to modify the SIP by removing the Inspection and Maintenance (I/M) program in the City of Memphis, Tennessee, and by incorporating Shelby County's revised maintenance plan for the 1997 8-hour ozone national ambient air quality standards (NAAQS). Among other things, the revised maintenance plan updates the emissions inventory estimates and the motor vehicle emissions budgets (MVEBs) for the years 2006 and 2021, and contains an emissions reduction measure to offset the emissions increase expected from the termination of City of Memphis I/M program. EPA has determined that Tennessee's May 23, 2014, SIP revision is consistent with the applicable provisions of the Clean Air Act (CAA or Act).

DATES: This rule is effective May 31, 2016.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2014–0250. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Wong, Air Regulatory Management Section, Air Planning and Implementation Branch, Air Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Wong can be reached by phone at (404) 562–8726 or via electronic mail at *wong.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Shelby County was designated as nonattainment for the carbon monoxide (CO) NAAQS on March 3, 1978 (43 FR 8962). Local transportation sources in the City of Memphis were identified as the prime contributors to monitored CO violations in Shelby County at that time. The City of Memphis I/M program was adopted as a control strategy to attain the CO NAAQS.

On July 26, 1994 (59 FR 37939), EPA redesignated Shelby County to attainment for the CO standard and approved the initial 10-year CO maintenance plan for Shelby County. Subsequently, further improvements in automotive technology led to a consistent reduction in locally monitored levels of CO. On October 25, 2006 (71 FR 62384), EPA approved the required second 10-year CO maintenance plan which demonstrated that I/M was no longer needed to maintain the CO NAAQS.

On April 30, 2004 (69 FR 23858), EPA designated Shelby County, Tennessee, and Crittenden County, Arkansas, as nonattainment for the 1997 8-hour ozone NAAQS, with a classification of 'moderate' (hereinafter collectively referred to as the "Memphis 1997 8-hour Ozone Area").[1] Under CAA section 182(b)(4), moderate ozone nonattainment areas with a census-defined urbanized area population over a given threshold are required to adopt basic I/M as part of the required SIP.

Following the initial designations for the 1997 8-hour ozone standard, Shelby County, the State of Tennessee, Crittenden County, and the State of Arkansas adopted additional measures to control ozone-forming emissions in the region and petitioned EPA to use its discretion under CAA section 181(a)(4) to reclassify the Area from moderate to marginal. On September 22, 2004 (69 FR 56697), EPA granted the petition to reclassify the Area, which removed the SIP planning requirements mandated of moderate ozone nonattainment areas, including the adoption of a mandatory I/M program, and reset the attainment deadline to June 15, 2007. The Area failed to attain the 1997 8-hour ozone NAAQS by the marginal area attainment deadline. Consequently, on March 28, 2008 (73 FR 16547), EPA reclassified the Area as a moderate nonattainment area. This reclassification reset the attainment deadline to June 15, 2010, with an attainment plan SIP revision due on March 1, 2009, to address all CAA requirements for a moderate ozone nonattainment area, including an I/M program in Shelby County pursuant to CAA section 184(b)(4).

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[1] On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million. *See* 73 FR 16436 (March 27, 2008). EPA designated Shelby County; Crittenden County, Arkansas; and a portion of Desoto County, Mississippi, as a marginal nonattainment area for the 2008 8-hour ozone NAAQS on April 30, 2012 (effective July 20, 2012). *See* 77 FR 30088 (May 21, 2012). Currently, monitoring data for the Memphis 2008 8-hour Ozone Area indicates that the Area has attaining data for the 2008 8-hour ozone NAAQS. As noted above, marginal ozone nonattainment areas are not required to adopt an I/M program.

The end of the 2008 ozone monitoring season resulted in a design value for the Memphis 1997 8-hour Ozone Area that met the NAAQS. Tennessee, Mississippi, and Arkansas prepared separate, but coordinated, redesignation requests and maintenance plans for their respective portions of the Area. Tennessee, on behalf of Shelby County, submitted the redesignation request and maintenance plan for its portion of the 1997 8-hour Ozone Area to EPA on February 26, 2009, prior to the attainment plan SIP revision due date.

EPA approved Tennessee's redesignation request and maintenance plan on January 4, 2010 (75 FR 56). Although there was no longer a mandatory requirement to implement I/M in Shelby County under section 184(b)(4) of the CAA, the City of Memphis continued to operate its I/M program, and the SIP-approved maintenance plan for the 1997 8-hour ozone NAAQS includes the implementation of a basic I/M program in Shelby County as a contingency measure in the event that the 1997 8-hour ozone NAAQS is violated in the 1997 8-hour Ozone Area after redesignation. In mid-2012, the Memphis City Council voted to defund the City of Memphis I/M program beginning with Fiscal Year 2013/2014. Vehicle inspection operations at all four City of Memphis inspection stations ended on June 28, 2013. Tennessee's May 23, 2014, SIP submission addresses the termination of this program.

In a notice of proposed rulemaking (NPRM) published on February 12, 2016 (81 FR 7483), EPA proposed to approve the May 23, 2014, SIP revision. No comments were received on the February 12, 2012, NPRM. The details of Tennessee's submittal and the rationale for EPA's actions are further explained in the NPRM.

II. Revised MVEBs

Tennessee's May 23, 2014, maintenance plan revision updates the MVEBs for 2006 and 2021 using on-road mobile source emissions estimates from MOVES and removes the MVEBs for 2009 and 2017. The revised 2021 MVEB accounts for the termination of the I/M program and the shutdown of the Cleo, Inc. facility.[2] These budgets are used by transportation authorities to assure that transportation plans, programs, and projects are consistent with, and conform to, the maintenance of acceptable air quality in the Memphis 1997 8-hour Ozone Area.

Under section 176(c) of the CAA, new transportation plans, programs, and projects, such as the construction of new highways, must "conform" to (*i.e.,* be consistent with) the part of the state's air quality plan that addresses pollution from cars and trucks. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS or any interim milestones. If a transportation plan does not conform, most new projects that would expand the capacity of roadways cannot go forward. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of such transportation activities to a SIP. The regional emissions analysis is one, but not the only, requirement for implementing transportation conformity. Transportation conformity is a requirement for nonattainment and maintenance areas. Maintenance areas are areas that were previously nonattainment for a particular NAAQS but have since been redesignated to attainment with an approved maintenance plan for that NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIPs and maintenance plans for nonattainment areas. These control strategy SIPs (including RFP and attainment demonstration) and maintenance plans create MVEBs for criteria pollutants and/or their precursors to address pollution from cars and trucks. Per 40 CFR part 93, a MVEB must be established for the last year of the maintenance plan. A state may adopt MVEBs for other years as well. The MVEB is the portion of the total allowable emissions in the maintenance demonstration that is allocated to highway and transit vehicle use and emissions. *See* 40 CFR 93.101. The MVEB serves as a ceiling on emissions from an area's planned transportation system. The MVEB concept is further explained in the preamble to the November 24, 1993 (58 FR 62188), Transportation Conformity Rule. The preamble also describes how to establish the MVEB in the SIP and how to revise the MVEB. According to 40 CFR 93.118, a maintenance plan must establish MVEBs for the last year of the maintenance plan (in this case, 2021). The updated MVEBs in the revised maintenance plan for the 1997 8-hour ozone NAAQS are for the base year (2006) and the last year of the first 10-year maintenance plan (2021). The 2021 MVEB reflects the total on-road mobile source emissions for 2021 plus an allocation from the available volatile organic compounds (VOC) and nitrogen oxides (NO_X) safety margins.[3] The MVEBs are presented in Table 1, below.

TABLE 1—SHELBY COUNTY VOC AND NO_X MVEBS

[Ozone season tons per day]

	2006	2021
NO_X	58.013	56.428
VOC	23.986	12.782

The previously-approved 1997 8-hour ozone maintenance plan for Shelby County contained interim MVEBs for years 2006, 2009, and 2017 in addition to the required maintenance year MVEB of 2021. The consensus formed during the interagency consultation process was that MVEBs should only be set for 2006 and 2021.[4] Therefore, the revised maintenance plan removes the interim budgets for years 2009 and 2017.

III. Final Action

EPA is approving Tennessee's May 23, 2014, SIP revision seeking to remove the City of Memphis I/M program from the SIP and to incorporate Shelby County's revised maintenance plan for the 1997 8-hour ozone NAAQS into the SIP.[5] The maintenance plan includes, among other things, an emissions reduction measure to offset the emissions increase expected from the termination of City of Memphis I/M program as well as revised emission inventory estimates and revised 2006 and 2021 MVEBs based upon new modeling associated with the termination of the I/M program and the inclusion of the offset measure. Within 24 months from this final rule, the transportation partners will need to demonstrate conformity to the new NO_X and VOC MVEBs pursuant to 40 CFR 93.104(e)(3).

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[2] As discussed in the NPRM, the maintenance plan revision includes emissions reductions from the closure of the Cleo, Inc. facility to offset the estimated increase in emissions due to the termination of the City of Memphis I/M program. The Cleo facility was a gift wrap manufacturing plant and warehouse located at 4025 Viscount Avenue, Memphis, Tennessee.

[3] The safety margin is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. As discussed in the NPRM, Shelby County chose to allocate 4.224 tpd of the available VOC safety margin and 40.393 tpd of the available NO_X safety margin to the 2021 MVEBs.

[4] The transportation conformity provisions of the CAA require interagency consultation in the development of MVEBs. The consultation process involves federal agencies (EPA, Federal Highway Administration, and Federal Transit Administration), state and local transportation agencies, state and local air agencies, and metropolitan planning organizations.

[5] The contingency measures portion of Shelby County's maintenance plan for the 1997 8-hour ozone NAAQS, as incorporated into the SIP, includes the implementation of an I/M program in Shelby County as a contingency measure should a monitored violation of the 1997 8-hour ozone

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 28, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 20, 2016.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42.U.S.C. 7401 *et seq.*

Subpart RR—Tennessee

■ 2. Section 52.2220(e), is amended by adding an entry for "8-Hour Ozone Maintenance plan for the Shelby County, Tennessee Area" at the end of the table to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State effective date	EPA approval date	Explanation
*	*	*	*	* * *
Revised 8-Hour Ozone Maintenance plan for the Shelby County, Tennessee Area.	Memphis, Shelby County.	5/14/2014	4/29/2016 [Insert citation of publication].	Revises the maintenance plan approved by EPA on 1/4/10 to include a revised emissions inventory, revised MVEBs, and an emissions reduction measure to offset the termination of the City of Memphis I/M program.

NAAQS occur in the former Memphis, TN-AR nonattainment area. Today's final action does not remove the I/M program from the contingency measures in the SIP-approved maintenance plan.

[FR Doc. 2016–10166 Filed 4–28–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0028; FRL–9945–78–Region 9]

Approval of Air Plan Revisions; Arizona; Rescissions and Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Arizona State Implementation Plan (SIP) under the Clean Air Act. These revisions include rescissions of outdated test methods and performance test specifications. The intended effect is to rescind unnecessary provisions from the applicable SIP.

DATES: This final rule is effective on May 31, 2016.

ADDRESSES: The EPA has established docket number EPA–R09–OAR–2016–0028 for this action. The index to the docket is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* Confidential Business Information). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Andrew Steckel, EPA Region IX, (415) 947–4115, *steckel.andrew@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," and "our" refer to the EPA.

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I. Background for Final Rule
II. Summary of Proposed Rule
III. Public Comments and EPA Responses
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I. Background for Final Rule

On February 11, 2016 (81 FR 7259), we proposed to approve revisions to the Arizona SIP under the Clean Air Act (CAA or "Act") and provided a 30-day comment period. The revisions include rescissions of certain statutory provisions, administrative and prohibitory rules, and test methods. The EPA also proposed to correct certain errors in previous actions on prior revisions to the Arizona SIP and to make certain other corrections.

On that same date, we issued a direct final rule (81 FR 7209) taking final action effective April 11, 2016 but indicated that, if we received adverse comments by the end of the comment period, we would publish a withdrawal of the direct final rule in the **Federal Register** prior to the effective date informing the public that the direct final rule will not take effect. The February 11, 2016 proposed rule indicated that if the EPA received adverse comment on an amendment, paragraph, or section of the direct final rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We received a timely adverse comment on a specific test method for which we had approved rescission and found that our action on the test method (and other test methods and performance test specifications from the same approved SIP revision submittal) could be severed from the rest of the rule. Thus, we published a partial withdrawal of the direct final rule in the **Federal Register** at 81 FR 19495 (April 5, 2016), affecting only the action as it relates to the test method for which the comment was received (and the other test methods and performance test specifications that were submitted and approved on the same dates as the test method in question). In today's action, we provide our response to the public comment and take final action to approve the rescissions of the outdated test methods and performance test specifications based on the proposal published on February 11, 2016.

II. Summary of Proposed Rule

In our February 11, 2016 proposed rule (81 FR 7259), we directed commenters to the direct final rule for a detailed rationale for the proposed approval of the SIP revisions and for the proposed corrections. As such, the following paragraphs summarize the background information and evaluation included in the direct final rule also published on February 11, 2016 (81 FR 7209) as it relates to the test methods and performance test specifications that are the subject of this final rule.

On March 10, 2015 and January 13, 2016, the Arizona Department of Environmental Quality (ADEQ) submitted rescissions of certain statutory and regulatory provisions from the applicable Arizona SIP. Under CAA section 110(k)(3), the EPA is obligated to approve, disapprove, or conditionally approve SIPs and SIP revisions, including rescissions. As noted above, the rescissions relate to certain statutory provisions, administrative and prohibitory rules, and test methods. In our February 11, 2016 direct final rule (81 FR 7209), we approved all of the rescissions included in the two SIP revisions except for certain test methods and performance test specifications, for which we withdrew direct final action. In our direct final rule, we also corrected certain errors in previous actions on prior revisions to the Arizona SIP and to make certain other corrections, but because no adverse comments were received on the corrections, we did not withdraw any part of the error corrections portion of the direct final rule.

Table 1 lists the test methods and performance test specifications the rescission of which we withdrew direct final action, the dates on which the EPA approved the provisions as part of the SIP, and the dates on which ADEQ submitted the rescissions to the EPA.

TABLE 1—ARIZONA SIP REGULATORY PROVISIONS THAT ADEQ HAS RESCINDED

Regulatory provision	Title	EPA approval	Rescission submittal date
Arizona Testing Manual for Air Pollutant Emissions, Section 3.01.	Method 1 Sample and Velocity Traverses for Stationary Sources.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.02.	Method 2 Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube).	47 FR 17483 (April 23, 1982)	January 13, 2016.

TABLE 1—ARIZONA SIP REGULATORY PROVISIONS THAT ADEQ HAS RESCINDED—Continued

Regulatory provision	Title	EPA approval	Rescission submittal date
Arizona Testing Manual for Air Pollutant Emissions, Section 3.02.	Method 2A Direct Measurement of Gas Volume Through Pipes and Small Ducts.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.02.	Method 2B Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.03.	Method 3 Gas Analysis for Carbon Dioxide, Excess Air, Dry Molecular Weight.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.03.	Method 3A Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure).	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.04.	Method 4 Determination of Moisture in Stack Gases.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.05.	Method 5 Determination of Particulate Emissions from Stationary Sources.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.06.	Method 6 Determination of Sulfur Dioxide Emissions from Stationary Sources.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.07.	Method 7 Determination of Nitrogen Oxide Emissions from Stationary Sources.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.08.	Method 8 Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions from Stationary Sources.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.09.	Method 9 Visual Determination of the Opacity of Emissions from Stationary Sources.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.10.	Method 10 Determination of Carbon Monoxide Emissions from Stationary Sources.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.13.	Method 13B Determination of Total Fluoride Emissions from Stationary Sources—Specific Ion Electrode Method.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.13.	Method 13 Determination of Total Fluoride Emissions from Stationary Sources—SOADNS Zirconium Lake Method.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.14.	Method 14 Determination of Total Fluoride Emissions from Potroom Roof Monitors for Primary Aluminum Plants.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.15.	Method 15 Determination of Hydrogen Sulfide, Carbonyl Sulfide, and Carbon Disulfide Emissions from Stationary Sources.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 3.17.	Method 17 Determination of Particulate Emissions from Stationary Sources (In-Stack Filtration Method).	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 4.01.	Performance Specification 1: Performance specifications and specification test procedures for transmissometer systems for continuous measurement of the opacity of stack emissions.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 4.02.	Performance Specification 2: Performance specifications and specification test procedures for monitors of SO_2 and NO_X from stationary sources.	47 FR 17483 (April 23, 1982)	January 13, 2016.
Arizona Testing Manual for Air Pollutant Emissions, Section 4.03.	Performance Specification 3: Performance specifications and specification test procedures for monitors of CO_2 and O_2 from stationary sources.	47 FR 17483 (April 23, 1982)	January 13, 2016.

As explained in our February 11, 2016 direct final rule, in April 1982, the EPA approved sections 3 and 4 of the Arizona Testing Manual for Air Pollutant Emissions ("Arizona Testing Manual") as a revision to the Arizona SIP. Section 3 of the Arizona Testing Manual includes certain test methods from 40 CFR part 60, appendix A, and section 4 of the Arizona Testing Manual includes certain performance test specifications from 40 CFR part 60, appendix B. Both the test methods and performance test methods approved into the Arizona SIP date from the 1970s.

Over the years, the EPA's test methods and performance test specifications in 40 CFR part 60 have been revised, and thus, the versions of the test methods and performance test specifications approved as part of the Arizona SIP are outdated. Also, in recent years, the EPA has approved two state rules that in effect incorporate more recent versions of the EPA's test methods and performance test specifications into the Arizona SIP. See Arizona Administrative Code (AAC) R18–2–311 ("Test Methods and Procedures") and appendix 2 ("Test Methods and Protocols") for AAC, title 18, chapter 2.[1] See 80 FR 67319 (November 2, 2015) and 79 FR 56655 (September 23, 2014). As such, the outdated test methods and performance test specifications approved as part of the Arizona Testing Manual need not be retained in the Arizona SIP. Thus, we found ADEQ's rescission of the outdated test methods and performance test specifications to be acceptable, and, under section 110(k), we proposed to approve the state's rescission of them from the Arizona SIP.

For further information about the SIP revisions and our corresponding evaluation, please see our direct final rule (81 FR 7209, February 11, 2016).

III. Public Comments and EPA Responses

Our February 11, 2016 proposed rule provided for a 30-day comment period. During that period, we received a comment from a member of the public. Staff at EPA Region 9 contacted the commenter to clarify this comment on March 22, 2016. Our response to this comment is provided below.

Comment: All legacy permits and emission sources administered under this [SIP] should allow the use of EPA Method 9 and/or EPA Broadly Applicable Alternative Method 082 for the measurement of opacity and evaluation of visible emissions. All new sources regulated under this plan should require the use of EPA Alternative Method 082 for the measurement of opacity and the evaluation of visible emission sources. People complain about what they can see and smell and the use of digital-camera-based visible emission evaluation is the best means to ensure public participation and support. The EPA declared ASTM D7520's Digital Camera Opacity Technique (DCOT) the Best Available Measurement Technology for visible emissions in the Ferroalloy Production NESHAP rule and this example should be followed in all State Implementation Plans.

EPA Response: Under the existing SIP, EPA Method 9 is already allowed to be used. In fact, under the existing SIP, two versions of EPA Method 9 are approved for use: The version of EPA Method 9 approved at 47 FR 17483 (April 23, 1982) and the updated version of EPA Method 9 approved through approval of AAC R18–2–311 and appendix 2 for AAC, title 18, chapter 2, which incorporates by reference 40 CFR part 60 appendices (including EPA Method 9) revised as of July 1, 2006. Our approval of the state's rescission of the 1982 approved version of EPA Method 9 simply deletes that version from the SIP. The more current version of Method 9 continues to apply under the SIP.

As far as alternative methods are concerned, AAC R18–2–311, which as noted above has been approved as part of the Arizona SIP, *does* provide for alternatives to EPA Method 9, but the alternative method so provided for does not include Broadly Applicable Alternative Method 082. More specifically, AAC R18–2–311(B) provides that a permit may specify a method, other than EPA Method 9, for determining the opacity of visible emissions from a particular emission unit, if the method has been promulgated by the EPA in 40 CFR part 60, appendix A. The EPA has approved and promulgated in 40 CFR part 60, appendix A only one alternative to Method 9: "Alternative Method 1—Determination of the Opacity of Emissions from Stationary Sources Remotely by LIDAR." Thus, Alternative Method 082 is not specifically provided for under the Arizona SIP at the present time.[2] The rescission of an outdated version of EPA Method 9 has no effect on the status of Alternative Method 082 in the Arizona SIP.

We do recognize that the EPA has approved Alternative Method 082 as an alternative to EPA Method 9 with certain limitations and for certain purposes. Alternative Method 082 specifies, with certain limitations, the use of American Society for Testing and Materials (ASTM) D7520–09 "Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere" as an alternative to EPA Method 9 for sources subject to 40 CFR 60, 61, and 63. See 77 FR 8865 (February 15, 2012). We also note that the National Emissions Standards for Hazardous Air Pollutants (NESHAPS) for the Ferroalloys Production source category was recently amended following the EPA's request for comments on the use of new technologies to provide continuous or near continuous long term approaches to monitoring emissions from industrial sources for the Ferroalloy Production source category. After consideration of comments received and after evaluating the technologies, the EPA amended the Ferroalloys Production NESHAPS to, among other things, replace the weekly Method 9 opacity requirement with a weekly requirement to measure opacity using ASTM D7520–13 (*i.e.,* an updated version of ASTM D7520–9) and the digital camera opacity technique (DCOT) to demonstrate compliance with the process fugitives standards. See 80 FR 37366 (June 30, 2015).

However, use of Alternative Method 082's or ASTM D7520's digital camera technology by states to determine opacity of visible emissions is not a requirement for SIPs. The State of Arizona could consider a revision to its rules to allow the use of Alternative Method 082 (for appropriate applications and with appropriate limitations) or the most current version of ASTM D7520 if it chooses to do so, as long as the use of the DCOT in lieu of EPA Method 9 is consistent with EPA's approval of ASTM D7520–09 in Alternative Method 082. We generally support its inclusion in State programs where appropriate. The EPA would take action to approve or disapprove such a revision under CAA section 110(k) if the state were to adopt such a revision and submit it to the EPA as a SIP revision.

IV. Final Action

Pursuant to CAA section 110(k)(3), the EPA is approving the state's rescission of the outdated test methods and performance test specifications listed in Table 1 from the Arizona SIP because we believe they are no longer necessary to retain.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely rescinds outdated test methods and performance test specifications as unnecessary to retain in the applicable SIP and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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[1] R18–2–311 provides that applicable procedures and testing methods contained in, among other references, 40 CFR part 60, appendices A through F, shall be used to determine compliance with state requirements for stationary sources. Appendix 2 for AAC, title 18, chapter 2 incorporates by reference 40 CFR part 60 appendices revised as of July 1, 2006.

[2] We note, however, that under SIP-approved AAC R18–2–312 ("Performance tests"), data collected using other methods, such as Alternative Method 082 or ASTM D7520, may be used as evidence of compliance with applicable good maintenance and operating requirements.

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 28, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: April 15, 2016.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart D—Arizona

■ 2. Section 52.120 is amended by adding paragraph (c)(29)(i)(B) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(29) * * *

(i) * * *

(B) Previously approved on April 23, 1982, in paragraph (c)(29)(i)(A) of this section and now deleted without replacement: Arizona Testing Manual for Air Pollutant Emissions, Sections 3.0 and 4.0.

* * * * *

[FR Doc. 2016–10008 Filed 4–28–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R02–OAR–2015–0755; FRL–9945–71–Region 2]

Approval and Promulgation of State Plans for Designated Facilities; Commonwealth of Puerto Rico; Control of Emissions From Existing Sewage Sludge Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State plan submitted by the Commonwealth of Puerto Rico to implement and enforce the Emission Guidelines (EG) for existing sewage sludge incineration (SSI) units. Puerto Rico's plan is consistent with the EG promulgated by the EPA on March 21, 2011. Puerto Rico's plan establishes emission limits and other requirements for the purpose of reducing toxic air emissions and other air pollutants from existing SSI units throughout the Commonwealth. At the request of Puerto Rico, the EPA is not taking action on a provision of its SSI plan allowing for affirmative defenses of Clean Air Act violations in the case of malfunctions. Puerto Rico submitted its plan to fulfill the requirements of sections 111(d) and 129 of the Clean Air Act.

DATES: This rule is effective on May 31, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2015–0755), to *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system).

For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Anthony (Ted) Gardella, Air Programs Branch, Environmental Protection Agency (EPA), Region 2, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3892, or by email at *gardella.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is the EPA taking today?

The EPA is approving Puerto Rico's State plan submitted to the EPA on July 30, 2014, for the control of air emissions from existing sewage sludge incineration (SSI) units throughout the Commonwealth. When the EPA developed the New Source Performance Standards (NSPS) (subpart LLLL) for SSI units on March 21, 2011, it concurrently promulgated Emission Guidelines (EG) (subpart MMMM) to control air emissions from existing SSI units. The Puerto Rico State SSI plan adopts and implements the EG applicable to existing SSI units, and establishes other requirements for SSI units constructed on or before October 14, 2010.

The Puerto Rico Environmental Quality Board (PREQB) developed a plan, as required by sections 111(d) and 129 of the Clean Air Act (CAA), to adopt the EG into its body of regulations, and EPA is acting today to approve Puerto Rico's plan.

As explained below, Puerto Rico requested in its July 30, 2014 submittal, that the EPA not take any action on a provision of the Puerto Rico State SSI plan allowing for affirmative defenses of CAA violations in the case of malfunctions.

Therefore, the EPA is not taking action on the affirmative defense provision portion of Puerto Rico's State SSI plan.

II. What is the background for Puerto Rico's request that EPA not take action on the affirmative defense provision?

In an April 18, 2014 opinion, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit Court) vacated an affirmative defense in one of the EPA's Section 112 regulations. *Natural Resources Defense Council* v. *Environmental Protection Agency,* 749 F.3d 1055 (D.C. Circuit, 2014) (vacating affirmative defense provisions in the Section 112 rule establishing emission standards for Portland cement kilns). The court found that the EPA lacked authority to establish an affirmative defense for private civil suits and held that under the CAA, the authority to determine civil penalty amounts in such cases lies exclusively with the courts, not the EPA. The Office of General Counsel determined that EPA policy should reflect the court's decision. The vacated affirmative defense provision in the EPA's Portland cement MACT rule is identical to the affirmative defense provision in the EPA's SSI EG, promulgated on March 21, 2011, under sections 111(d) and 129 of the CAA, at § 60.5181 (*"How do I establish an affirmative defense for exceedance of an emission limit or standard during a malfunction?"*). Puerto Rico's State SSI plan adopted all the applicable requirements of the EPA's SSI EG, including the affirmative defense provisions at § 60.5181, into its State plan at Rule 405(d) of the Regulation for the Control of Atmospheric Pollution (RCAP). Specifically, Puerto Rico requested that the EPA not include the following affirmative defense provisions in Puerto Rico's Rule 405(d): (d)(2)(E), (d)(2)(E)(i) and (d)(2)(E)(ii) in Puerto Rico's State plan.

Because of the April 2014 D.C. Court vacatur referred to above, Puerto Rico, in its July 30, 2014 submittal letter to the EPA, requested that the EPA not take action on the affirmative defense provision included in Puerto Rico's State SSI plan submitted to the EPA for approval on July 30, 2014.[1]

Consequently, the EPA is not taking any action on those particular provisions of Puerto Rico's State SSI plan as discussed herein.

III. What are the details of EPA's action?

On March 21, 2011, in accordance with sections 111(d) and 129 of the CAA, EPA promulgated the SSI EG and compliance times for the control of emissions from existing SSI units. See 76 FR 15371. EPA codified these guidelines at 40 CFR part 60, subpart MMMM. They include a model rule at 40 CFR 60.5085 through 62.5250 that States may use to develop their own plans. Under that rule, EPA has defined an "SSI unit," in part, as any incineration unit that combusts sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. 40 CFR 60.5250.

On July 30, 2014,[2] the Puerto Rico Environmental Quality Board submitted its section 111(d) State plan for implementing EPA's EG for existing SSI units located in the Commonwealth of Puerto Rico.

Puerto Rico amended Rule 102, entitled "Definitions of the Regulation for the Control of Atmospheric Pollution (RCAP)," and incorporated Rule 405(d), entitled "Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI)," to include the requirements for implementing the SSI EG covered under Sections 111(d) and 129 of the CAA, and codified in 40 CFR part 60, subpart MMMM. Revisions to Puerto Rico's Rules[3] became effective on July 13, 2014.

For further details, the reader is referred to EPA's proposal located in the EPA's electronic docket at *www.regulations.gov.*

IV. What comments were received on the proposed approval and how has the EPA responded to them?

There were no comments received on the EPA's proposed rulemaking (80 FR 76894, December 11, 2015) regarding Puerto Rico's State plan for existing SSI units. The 30-day public comment period on the EPA's proposed approval ended on January 11, 2016.

V. What is the EPA's conclusion?

For the reasons described in this rulemaking and in EPA's proposal, the EPA is approving Puerto Rico's sections 111(d) and 129 plan for existing SSI units. However, as described above, the EPA is not taking any action on the affirmative defense provisions in Puerto Rico's Rule 405(d), as follows: (d)(2)(E), (d)(2)(E)(i) and (d)(2)(E)(ii) in Puerto Rico's State plan.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a 111(d)/129 plan submission that complies with the provisions of the Act and applicable

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[1] On April 13, 2016, the EPA Administrator signed the final rule for the Federal SSI plan which would apply to SSI units that are not covered by an approved and effective state plan. The Federal plan does not include an affirmative defense to violations that result from malfunctions. The reader is referred to section IV.B. on page 82 of the prepublication version of the federal plan on EPA's Web site at: *https://www3.epa.gov/ttn/atw/129/ssi/SSI%20final%20Federal%20Plan.pdf.*

[2] In emails dated 6/04/2015, 8/10/2015 and 11/10/2015, Puerto Rico responded to EPA's requests to provide clarifying information concerning Puerto Rico's State SSI plan. This clarifying information also is available in EPA's docket at *www.regulations.gov.*

[3] Puerto Rico's SSI regulation can be found at the Puerto Rico Environmental Quality Board's Web page at: *http://www2.pr.gov/agencias/jca/LeyesyReglamentos/Pages/Reglamentos.aspx.* Then look for RCAP Amendment Reg. 8485 for SSI units.

Federal regulations. 40 CFR 62.04. Thus, in reviewing 111(d)/129 plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this action does not have tribal implications as specified by Executive Order 13175, because the section 111(d)/129 plan is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this section.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 28, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Incorporation by reference, Intergovernmental relations, Paper and products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Sulfuric acid plants, Waste treatment and disposal.

Dated: April 18, 2016.

Judith A. Enck,

Regional Administrator, Region 2.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart BBB—Puerto Rico

■ 2. Add § 62.13109 and an undesignated heading to subpart BBB to read as follows:

Air Emissions From Existing Sewage Sludge Incineration Units

§ 62.13109 Identification of plan.

(a) On July 30, 2014, the Puerto Rico Environmental Quality Board (PREQB) submitted to the Environmental Protection Agency a section 111(d)/129 plan for implementation and enforcement of 40 CFR part 60, subpart MMMM—Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. In emails dated June 4, 2015, August 10, 2015 and November 10, 2015, the PREQB submitted clarifying information concerning Puerto Rico's plan. The State plan includes revisions to Rule 102 and Rule 405 of the Puerto Rico Regulations for the Control of Atmospheric Pollution, entitled, "Definitions" and "Incineration," Respectively. The revisions to Rules 102 and 405 became effective on July 13, 2014. At the request of Puerto Rico, EPA has not taken any action on a provision of its State plan allowing for affirmative defenses of Clean Air Act violations in the case of malfunctions.

(b) Identification of sources: The plan applies to existing sewage sludge incineration (SSI) units that:

(1) Commenced construction on or before October 14, 2010; or

(2) Commenced a modification on or before September 21, 2011 primarily to comply with Puerto Rico's plan; and

(3) Meets the definition of a SSI unit defined in Puerto Rico's plan.

(c) The effective date of the plan for existing sewage sludge incineration units is May 31, 2016.

[FR Doc. 2016–09862 Filed 4–28–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 173, and 178

[Docket No. PHMSA–2015–0271 (HM–261)]

RIN 2137–AF15

Hazardous Materials: Incorporation by Reference Edition Update for the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and Transportation Systems for Liquids and Slurries: Pressure Piping Code

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Direct final rule.

SUMMARY: This direct final rule incorporates by reference the most recent editions of the ASME Boiler and Pressure Vessel Code. The purpose of this update is to enable non-specification (nurse tank) manufacturers and other DOT and UN specification packaging manufacturers to utilize current technology, materials, and practices to help maintain a high level of safety. PHMSA is replacing the ASME referenced standard (1998 Edition) with the new, current ASME standard (2015 Edition) for boiler and pressure vessels. PHMSA is also replacing the ASME 1998 Edition referenced standard of ASME's Transportation Systems for Liquids and Slurries: Pressure Piping to the current 2012 Edition.

DATES: *Effective Date:* This rule is effective June 28, 2016 without further action, unless adverse comment is received by May 31, 2016. If adverse comment or notice of intent to file an adverse comment is received, PHMSA will publish a timely withdrawal of the rule in whole or in part in the **Federal Register** before June 13, 2016.

Incorporation by reference approval date: The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of [insert date 60 days after publication in the **Federal Register**].

ADDRESSES: Comments should reference DOT Docket ID Number PHMSA–2015–0271 and may be submitted by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* This Web site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251
- *Mail:* Docket Management System; U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001
- *Hand Delivery:* To U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Instructions: Include the agency name and docket number PHMSA–2015–0271 or RIN 2137–AF15 for this rulemaking at the beginning of your comment. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided. If sent by mail, comments must be submitted in duplicate. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard. This rule is unrelated to PHMSA's Proposed Rule "Hazardous Materials: Adoption of ASME Code Section XII and the National Board Inspection Code" (docket number PHMSA–2010–0019; RIN 2137–AE37).

Privacy Act: Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Docket: You may view the public docket through the Internet at *http://www.regulations.gov* or in person at the Docket Operations office at the above address (See **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Alex B. Mitchell, Office of Chief Counsel, Pipeline and Hazardous Materials Safety Administration; telephone 202–366–4400; email *Alex.Mitchell@dot.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

This direct final rule is published under authority of the Federal Hazardous Materials Transportation Law under 49 U.S.C. 5101 *et seq.* Section 5103(b) of Federal Hazmat Law authorizes the Secretary of Transportation to prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce. The National Technology Transfer and Advancement Act of 1995 mandates that all federal agencies use technical standards developed and adopted by voluntary consensus standards bodies. The guidelines used by agencies to assess and report their conformity with the requirements of the Act are detailed in Office of Budget and Management (OMB) Circular No. A–119, entitled "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities." OMB Circular No. A–119 recognizes that the vibrancy and effectiveness of the U.S. standards system in enabling innovation depends on continued private sector leadership and engagement.

This rulemaking is a Direct Final Rule under PHMSA's rulemaking authority outlined in 49 CFR 106.40 to incorporate by reference the latest edition of a technical/industry standard. PHMSA has determined that this direct final rule is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866, and is not "significant" as defined in DOT's Regulatory Policies and Procedures. This rulemaking is exempt from the Office of Management and Budget review in accordance with Executive Order 12866.

The Direct Final Rule Procedure

PHMSA is issuing this direct final rule without prior notice and prior public comment. The Administrative Procedure Act provides that an agency may publish a final rule without prior notice and comment if the agency for good cause finds that the notice and comment procedure is unnecessary (49 U.S.C. 553(b)(B)). This rule will not make any significant substantive changes to the Hazardous Materials Regulations. Accordingly, PHMSA does not foresee adverse comments in response to this rulemaking, and consequently a 30-day notice and comment period is reasonable.

The Regulatory Policies and Procedures of the Department of Transportation (DOT), 44 FR 1134, February 26, 1979, provide that to the maximum extent possible, operating administrations for the DOT should provide an opportunity for public comment on regulations issued without prior notice. Accordingly, PHMSA invites interested persons to participate in this rulemaking by submitting written comments. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting this final rule.

This direct final rule will take effect as indicated above unless PHMSA receives an adverse comment or notice of intent to file an adverse comment within the comment period. An adverse comment explains why a rule would be inappropriate or would be ineffective or unacceptable without a change. It may challenge the rule's underlying premise or approach. Under the direct final rule process, we do not consider the following types of comments to be adverse:

(1) A comment recommending another rule change, in addition to the change in the direct final rule at issue, unless the commenter states why the direct final rule would be ineffective without the change.

(2) A frivolous or irrelevant comment.

If we receive an adverse comment or notice of intent to file an adverse comment, we will advise the public by publishing a document in the **Federal Register** before the effective date of the final rule. This document may withdraw the direct final rule in whole or in part.

If we withdraw the direct final rule because of an adverse comment, we may incorporate the adverse comment into another direct final rule or may publish a notice of proposed rulemaking.

See the "Additional Information" section for information on how to comment on this direct final rule and how PHMSA will handle comments received. The "Additional Information" section also contains related information about the docket, privacy, and the handling of proprietary or confidential business information. There is also information on obtaining copies of related rulemaking documents.

I. Background

This direct final rule adopts the most recent edition of a consensus technical standard, the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (2015 Edition) and ASME Code for Transportation Systems for Liquids and Slurries: Pressure Piping, B31.4–2012. The Boiler and Pressure Vessel Code enables nurse tank manufacturers and other DOT and UN specification packaging manufacturers to use current technology, materials, and practices. The incorporation of the most recent edition of the ASME Code improves clarity, consistency, accuracy, reduces unnecessary burdens on the regulated community, and will provide, at minimum, an equivalent level of safety for non-specification (nurse tanks) and specification tanks regulated under the Hazardous Materials Regulations (HMR). PHMSA is replacing the 1998 Edition of ASME Boiler and Pressure Vessel Code Sections with the following, current 2015 Edition of ASME Boiler and Pressure Vessel Code Sections:

- Section II—Materials—Part A—Ferrous Materials Specifications
- Section II—Materials—Part B—Nonferrous Material Specifications
- Section V—Nondestructive Examination
- Section VIII—Rules for Construction of Pressure Vessels Division 1
- Section IX—Welding, Brazing, and Fusing Qualifications

PHMSA is also replacing the 1998 Edition of ASME B31.4–1998 Edition, Pipeline Transportation Systems for Liquid Hydrocarbons and other Liquids with the following, current 2012 Edition of ASME B31.4–2012, now titled Pipeline Transportation Systems for Liquids and Slurries as it relates to 49 CFR 173.5a "*Oilfield service vehicles, mechanical displacement meter provers, and roadway striping vehicles exceptions.*"

For full access to these Sections, please see *http://go.asme.org/PHMSA-ASME*. PHMSA is aware that industry is already manufacturing nurse tanks and other specification cargo tanks in accordance with various ASME Editions between 1998 and 2015, and PHMSA is not aware of any adverse safety issues, as long as tanks have been properly built in accordance with ASME Editions. PHMSA recognizes the safety and validity of these ASME Editions published after the 1998 Edition as related to this rulemaking. This update will increase PHMSA's ability to ensure compliance with the 2015 ASME Edition related to non-specification (nurse tanks) and specification cargo tanks and with the 2012 ASME edition related to mechanical displacement meter provers.

Standards Incorporated by Reference

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) directs Federal agencies to use voluntary consensus standards in lieu of government-written standards whenever possible. Voluntary consensus standards are standards developed or adopted by voluntary bodies that develop, establish, or coordinate technical standards using agreed upon procedures.

PHMSA's Office of Hazardous Materials Safety adopts 187 voluntary consensus standards issued by 27 different technical organizations, and the Office participates in numerous national voluntary consensus standards committees. PHMSA adopts voluntary consensus standards applicable to packaging design, construction, maintenance, inspection, and repair when they are consistent with the safe transportation of hazardous materials. PHMSA reviews and approves for incorporation by reference updated versions based on this directive. When PHMSA believes some aspect of a standard does not meet an adequate level of safety, it will not incorporate the standard or the part of the standard that it believes is contradictory with the directive.

Parts 171 through 180 incorporate by reference all or parts of standards and specifications developed and published by technical organizations, as referenced in 49 CFR 171.7, including, but not limited to, the American Petroleum Institute, American Society of Mechanical Engineers, American Society for Testing and Materials, Compressed Gas Association, International Organization for Standardization, Organization for Economic Cooperation and Development, and the United Nations. These organizations update and revise their published standards periodically to reflect modern technology and best technical practices. PHMSA has reviewed the revised voluntary consensus standards being incorporated in this final rule.

New Edition of Standards

2015 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code

- Section II—Materials—Part A—Ferrous Materials Specifications
- Section II—Materials—Part B—Nonferrous Material Specifications

Parts A and B of Section II are "Service Sections" to the other Sections of the Boiler and Pressure Vessel Code, and they provide material specifications for ferrous and nonferrous materials adequate for safety in the field of pressure equipment. These specifications contain requirements for chemical and mechanical properties, heat treatment, manufacture, heat and product analyses, and methods of testing.

- Section V—Nondestructive Examination

Section V contains requirements and methods for nondestructive examination, which are referenced and required by other Sections. It also includes manufacturers' examination responsibilities, duties of authorized inspectors and requirements for qualification of personnel, inspection and examination.

- Section VIII—Rules for Construction of Pressure Vessels, Division 1

Section VIII, Division 1 provides requirements applicable to the design, fabrication, inspection, testing, and certification of pressure vessels operation at either internal or external pressures exceeding 15 psig. Division 1 also contains mandatory and non-mandatory appendices detailing supplementary design criteria, nondestructive examination and inspection acceptance standards.

- Section IX—Welding, Brazing, and Fusing Qualifications

Section IX contains rules relating to the qualification of welding, brazing, and fusing procedures as required by other Sections for component manufacture. It also covers rules relating to the qualification and requalification of welders, brazers, and welding, brazing and fusing machine operators in order that they may perform welding, brazing, or plastic fusing as required by other Sections in the manufacture of components.

The above editions of currently referenced standards are being incorporated by reference in 49 CFR 171.7, 173.315, and 178.338–3. These new Editions refine and clarify existing material in the standard and generally do not introduce new topics.

2012 Edition of the American Society of Mechanical Engineers Pipeline Transportation Systems for Liquids and Slurries, ASME B31.4–2012

- This Edition covers piping and transporting liquids between production facilities, tank farms, natural gas processing plants, refineries, pump stations, ammonia plants, terminals (marine, rail, and truck), and other delivery and receiving points.

The above standard is being incorporated by reference in 49 CFR 173.5a. This Edition refines and clarifies existing material in the standard and generally does not introduce new topics as related to mechanical displacement meter provers. PHMSA is not seeking or accepting comments on the unrelated, Proposed Rule entitled "Hazardous Materials: Adoption of ASME Code Section XII and the National Board Inspection Code" (docket number PHMSA–2010–0019; RIN 2137–AE58). This rulemaking also has no impact on or relation to the Pipeline Safety Regulations at 49 Code of Federal Regulations Part 190–199.

Incorporation By Reference Discussion Under 1 CFR Part 51

The 2015 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the 2012 Edition of the American Society of Mechanical Engineers Pipeline Transportation Systems for Liquids and Slurries are freely accessible to the public for the full 30 day comment period online at *http://go.asme.org/PHMSA-ASME*. In addition, all Sections of the 2015 Edition of the Boiler and Pressure Vessel Code are available for purchase directly from ASME online at *https://www.asme.org/shop/standards#des=BPVC* and the 2012 Edition of the American Society of Mechanical Engineers Pipeline Transportation Systems for Liquids and Slurries is available for purchase directly from ASME online at *https://www.asme.org/products/codes-standards/b314-2012-pipeline-transportation-systems-liquid*. Members of the public may access hard copies of standards incorporated by reference at PHMSA's Hazardous Materials Information Center (HMIC) at the Department of Transportation Headquarters in Washington, DC. Members of the public may make arrangements to visit the HMIC by visiting HMIC's Web site at *http://www.phmsa.dot.gov/hazmat/standards-rulemaking/hmic* or by telephone at 800–467–4922. PHMSA staff will work directly with any person requesting access to these standards.

PHMSA believes the majority of industry nurse tank manufacturers and other DOT and UN specification packaging manufacturers has already purchased and therefore possess and adhere to these standards in order to be certified under ASME's various certification programs. For example, products manufactured by ASME BPVC Certificate Holders are certified and stamped with a Certification Mark in accordance with the applicable ASME BPVC Section. According to ASME, there are currently more than 6,800 Certificate Holders in the ASME BPVC Certification Program. For more information on ASME's Certification Programs, please see *https://www.asme.org/shop/certification-and-accreditation/boiler-and-pressure-vessel-certification*.

II. Regulatory Notices and Analyses

A. Regulatory Flexibility Determination and Executive Order 13272

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), PHMSA is required to consider whether rulemaking actions would have a significant economic impact on a substantial number of small entities. This direct final rule ensures that manufacturers are able to use the most current editions of technical standards incorporated by reference. PHMSA concludes this rule does not have a significant negative economic impact on any small entity. Based on the facts available about the expected impact of this rulemaking, PHMSA certifies under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605) that this rulemaking will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

There are no new information collection requirements in this direct final rule.

C. Unfunded Mandates Assessment

This direct final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $155,000,000 or more, adjusted for inflation, to either State, local or tribal governments, in the aggregate, or to the private sector in any one year, and is the least burdensome alternative that achieves the objective of the rule.

D. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

E. Environmental Analysis

The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321–4347), requires Federal agencies to consider the consequences of major federal actions and to prepare a detailed statement on any action that significantly affects the quality of the human environment. Since these new standards provide, at minimum, an equivalent level of protection to the currently referenced standards, it is unlikely that the adoption of these standards will have any impact on the environment. We find that there are no significant environmental impacts associated with this direct final rule. PHMSA invites comments about environmental impacts that could result from this direct final rule.

III. Executive Order Determinations

A. Executive Order 13132, Federalism

PHMSA has analyzed the direct final rule according to Executive Order 13132 (64 FR 43255). This direct final rule does not have a substantial direct effect on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. The direct final rule does not impose substantial direct compliance costs on State and local governments. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

B. Executive Orders 13563 and 12866 and DOT Policies and Procedures

This direct final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 (58 FR 51735) and, therefore, was not subject to review by the Office of Management and Budget. This direct final rule is not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

In this direct final rule we are updating references to standards that are incorporated in the Hazardous Materials Regulations. These updates will enhance safety while reducing the compliance burden on the regulated industry. PHMSA welcomes public comments on potential costs and benefits of this regulatory action.

C. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). Because the direct final rule does not significantly or uniquely affect the communities of the Indian tribal governments or impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

IV. Additional Information

A. Comments Invited

PHMSA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the rulemaking action in this document. The most helpful comments reference a specific portion of the rulemaking action, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

PHMSA will file any comments it receives in the docket, as well as a report summarizing each substantive public contact with PHMSA personnel concerning this rulemaking. Before acting on this rulemaking action, PHMSA will consider all comments it receives on or before the closing date for comments. PHMSA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this rulemaking action in light of the comments it receives.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained online by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visiting the PHMSA's Regulations and Policies Web page at *http://www.phmsa.dot.gov/hazmat/standards-rulemaking*, or;
3. Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/*.

Copies may also be obtained by sending a request to the U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. Commenters must identify the docket or amendment number of this rulemaking.

All documents PHMSA considered in developing this rulemaking action may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

C. Where and When To File Comments

Send comments to PHMSA in either of the following ways:

(1) By mail to: Docket Management System, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(2) Through the Internet at *http://www.regulations.gov*.

Make sure your comments reach by the deadline. We will consider late filed comments to the extent possible. For further guidance on required information for written comments, see 49 CFR 106.65.

D. Privacy Act Statement

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.regulations.gov/search/footer/privacyanduse.jsp*.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous Waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 178

Hazardous materials transportation, Incorporation by reference, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA is amending 49 CFR Chapter I, subchapter C, as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–134, section 31001; 49 CFR 1.81 and 1.97.

■ 2. In § 171.7, paragraph (g) is revised to read as follows:

§ 171.7 Reference material.

* * * * *

(g) *The American Society of Mechanical Engineers* (ASME), 150 Clove Road, Little Falls, NJ 07424–2139, telephone 1–800–843–2763, *http://www.asme.org*.

(1) 2015 ASME Boiler and Pressure Vessel Code (ASME Code), 2015 Edition, July 1, 2015 (as follows), into §§ 172.102; 173.3; 173.5b; 173.24b; 173.306; 173.315; 173.318; 173.420; 178.255–1; 178.255–2; 178.255–14; 178.255–15; 178.273; 178.274; 178.276; 178.277; 178.320; 178.337–1; 178.337–2; 178.337–3; 178.337–4; 178.337–6; 178.337–16; 178.337–18; 178.338–1; 178.338–2; 178.338–3; 178.338–4; 178.338–5; 178.338–6; 178.338–13; 178.338–16; 178.338–18; 178.338–19; 178.345–1; 178.345–2; 178.345–3; 178.345–4; 178.345–7; 178.345–14; 178.345–15; 178.346–1; 178.347–1; 178.348–1; 179.400–3; 180.407:

(i) Section II—Materials—Part A—Ferrous Materials Specifications.

(ii) Section II—Materials—Part B—Nonferrous Material Specifications.

(iii) Section V—Nondestructive Examination.

(iv) Section VIII—Rules for Construction of Pressure Vessels Division 1.

(v) Section IX—Welding, Brazing, and Fusing Qualifications.

(2) ASME B31.4–2012, Pipeline Transportation Systems for Liquids and Slurries, November 12, 2012, into § 173.5a.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 3. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 4. In § 173.315, paragraph (m)(1)(i) is revised to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

* * * * *

(m) * * *

(1) * * *

(i) Has a minimum design pressure of 250 psig, meets the requirements of Section VIII of the ASME Code (IBR, see § 171.7 of this subchapter), and is marked with a valid ASME plate.

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

■ 5. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 6. In § 178.338–3, paragraph (a) is revised to read as follows:

§ 178.338–3 Structural integrity.

(a) *General requirements and acceptance criteria.* (1) Except as permitted in paragraph (d) of this section, the maximum calculated design stress at any point in the tank may not exceed the lesser of the maximum allowable stress value prescribed in Section VIII of the ASME Code (IBR, see § 171.7 of this subchapter), or 25 percent of the tensile strength of the material used.

(2) The relevant physical properties of the materials used in each tank may be established either by a certified test report from the material manufacturer or by testing in conformance with a recognized national standard. In either case, the ultimate tensile strength of the material used in the design may not exceed 120 percent of the minimum ultimate tensile strength specified in either the ASME Code or the ASTM standard to which the material is manufactured.

(3) The maximum design stress at any point in the tank must be calculated separately for the loading conditions described in paragraphs (b), (c), and (d) of this section. Alternate test or analytical methods, or a combination thereof, may be used in lieu of the procedures described in paragraphs (b), (c), and (d) of this section, if the methods are accurate and verifiable.

(4) Corrosion allowance material may not be included to satisfy any of the design calculation requirements of this section.

* * * * *

Issued in Washington, DC, on April 25, 2016, under the authority delegated in 49 CFR part 1.

Marie Therese Dominguez,

Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2016–10027 Filed 4–28–16; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150818742–6210–02]

RIN 0648–XE589

Fisheries of the Exclusive Economic Zone off Alaska; Longnose Skate in the Western Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of longnose skate in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary because the 2016 total allowable catch of longnose skate in the Western Regulatory Area of the GOA will be reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), April 26, 2016, through 2400 hours, A.l.t., December 31, 2016.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2016 total allowable catch (TAC) of longnose skate in the Western Regulatory Area of the GOA is 61 metric tons (mt) as established by the final 2016 and 2017 harvest specifications for groundfish of the GOA (81 FR 14740, March 18, 2016).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2016 TAC of longnose skate in the Western Regulatory Area of the GOA will be reached. Therefore, NMFS is requiring that longnose skate in the Western Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting the retention of longnose skate in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of April 22, 2016.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 26, 2016.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–10056 Filed 4–26–16; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150916863–6211–02]

RIN 0648–XE590

Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Greenland turbot in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2016 Greenland turbot initial total allowable catch (ITAC) in the Aleutian Islands subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 1, 2016, through 2400 hrs, A.l.t., December 31, 2016.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2016 Greenland turbot ITAC in the Aleutian Islands subarea of the BSAI is 170 metric tons (mt) as established by the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 18, 2016). The Regional Administrator has determined that the 2016 ITAC for Greenland turbot in the Aleutian Islands subarea of the BSAI is necessary to account for the incidental catch of this species in other anticipated groundfish fisheries for the 2016 fishing year. Therefore, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the directed fishing allowance for Greenland turbot in the Aleutian Islands subarea of the BSAI as zero mt. Consequently, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for Greenland turbot in the Aleutian Islands subarea of the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Greenland turbot in the Aleutian Islands subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as April 25, 2016.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 25, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–09988 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 81, No. 83
Friday, April 29, 2016

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF LABOR

2 CFR Part 2998

29 CFR Parts 95 and 98

RIN 1291–AA38

Department of Labor Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

AGENCY: Office of the Assistant Secretary for Administration and Management, Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Department of Labor (DOL) is proposing to remove its regulations implementing the government-wide common rule on nonprocurement debarment and suspension, currently located in part 98 of title 29 of the Code of Federal Regulations (CFR), and adopting the Office of Management and Budget's (OMB) guidance at title 2 of the CFR. This regulatory action implements the OMB's initiative to streamline and consolidate into one title of the CFR all Federal regulations on nonprocurement debarment and suspension. These changes constitute an administrative simplification that would make no substantive change in DOL policy or procedures for nonprocurement debarment and suspension.

DATES: Submit comments on the proposed rule by or before May 31, 2016.

ADDRESSES: Comments may be submitted in two ways. All email comments regarding this rule should be sent to Ms. Duyen Tran Ritchie at *Ritchie.duyen.t@dol.gov.* To ensure proper handling, please reference the RIN number in the subject line on your electronic correspondence. Alternatively, comments may be submitted electronically at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Duyen Tran Ritchie, Office of Chief Procurement Officer, (202) 693–7277 [Note: This is not a toll-free telephone number]; or by email at *Ritchie.duyen.t@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 26, 2003, at 68 FR 66534, DOL adopted the government-wide nonprocurement debarment and suspension common rule, which recast the nonprocurement debarment and suspension regulations in plain English and made other required updates.

Thereafter, on May 11, 2004, at 69 FR 26276, OMB established title 2 of the CFR as the new central location for OMB guidance and agency implementing regulations concerning grants and agreements. This approach benefits the public by making it easier for the affected public to identify an agency's additions and clarifications to the Government-wide policies and procedures. In that action, OMB announced its intention to replace the common rules with OMB guidance that agencies could adopt. OMB began that process by proposing on August 31, 2005, at 70 FR 51863, an interim final guidance on non-procurement suspension and debarment. That guidance requires each agency to issue a brief rule that: (1) Adopts the guidance, giving it regulatory effect for that agency's activities; and (2) states any agency-specific additions or clarifications to the government-wide policies and procedures. The notice stated that the substantive content of the guidelines was intended to conform with the substance of the Federal agencies' most recent update in 2003 to the common rule. The guidance was finalized on November 15, 2006, at 71 FR 66431. The proposed regulatory actions will bring the Department into compliance with OMB's 2006 guidance.

II. The Current Regulatory Actions

Pursuant to requirements in OMB's guidance, DOL is proposing to take three actions. First, DOL would add a new part to its existing chapter XXIX under title 2 of the CFR subtitle B, which is a brief adoption of the OMB guidance and states DOL-specific additions and clarifications. Second, DOL would remove 29 CFR part 98, the part containing the common rule on nonprocurement debarment and suspension that the OMB guidance supersedes. Third, DOL would make technical corrections to provisions within 29 CFR part 95 to replace references to the earlier common rule. Taken together, these regulatory actions are solely an administrative simplification and are not intended to make any substantive change in policies or procedures.

III. Public Participation

The Department invites public comments on the proposed actions. Please submit comments by only one method. Receipt of comments will not be acknowledged; however, the Department will post all comments received on *http://www.regulations.gov* without making any change to the comments, including any personal information provided. The *http://www.regulations.gov* Web site is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public.

The Department cautions commenters not to include personal information, such as Social Security Numbers, personal addresses, telephone numbers and email addresses, in comments, as such submitted information will become viewable by the public via *http://www.regulations.gov.* It is the responsibility of the commenter to safeguard personal information. Comments submitted through *http://www.regulations.gov* will not include the commenter's email address unless the commenter chooses to include that information as a part of a comment.

IV. Regulatory Review

A. Administrative Procedure Act

The proposed rule would be solely an administrative simplification that would make no substantive change in DOL's policy or procedures for debarment and suspension. Consequently, the proposed rule qualifies for the "good cause" exception to the Administrative Procedure Act, *see* 5 U.S.C. 553(b)(B). However, the Department wishes to provide the public with an opportunity to submit comments on any aspect of the entire proposed rule.

B. Executive Order 12866

OMB has determined this proposed rule to be not significant for purposes of E.O. 12866.

C. Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This proposed regulatory action will not have a significant adverse impact on a substantial number of small entities.

D. Unfunded Mandates Act of 1995 (Sec. 202 Pub. L. 104–4)

This proposed regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of $100 million or more in any one year.

E. Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

F. Federalism (Executive Order 13132)

This proposed regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Impact on Indian Tribes (Executive Order 13175)

This proposed regulatory action does not have tribal implications under Executive Order 13175 that would require a tribal summary impact statement. The proposed rule would not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

H. Interference With Protected Property Rights (Executive Order 12630)

The proposed regulatory action is not subject to Executive Order 12630 because it does not involve implementation of a policy that has takings implications or that could impose limitations on private property use.

List of Subjects

2 CFR Part 2998

Administrative practice and procedure, Debarment and suspension, Government procurement, Grant programs, Grants administration, Reporting and recordkeeping requirements.

29 CFR Part 95

Grants and agreements with institutions of higher education, hospitals, and other non-profit organizations, and with commercial organizations, foreign governments, organizations under the jurisdiction of foreign governments, and international organizations.

29 CFR Part 98

Governmentwide debarment and suspension (nonprocurement).

Dated: April 22, 2016.

T. Michael Kerr,

Assistant Secretary for Administration and Management.

Accordingly, for the reasons set forth in the preamble, and under the authority of 5 U.S.C. 301; E.O. 12549 (3 CFR, 1986 Comp. p.189); E.O. 12689 (3 CFR, 1989 Comp. p.235); sec 2455 Public Law 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note), the United States Department of Labor proposes to amend the Code of Federal Regulations, title 2, subtitle B, and parts 95 and 98 of subtitle B of title 29, as follows:

Title 2—Grants and Agreements

■ 1. Add part 2998 to chapter XXIX of subtitle B to read as follows:

CHAPTER XXIX—DEPARTMENT OF LABOR

PART 2998—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

2998.10 What does this part do?
2998.20 Does this part apply to me?
2998.30 What policies and procedures must I follow?

Subpart A—General

2998.137 Who in the DOL may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

2998.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

2998.332 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

2998.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

Subparts E through J—[Reserved]

Authority: 5 U.S.C. 301; E.O. 12549 (3 CFR, 1986 Comp., p.189); E.O. 12689 (3 CFR, 1989 Comp., p. 235); sec 2455 Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note).

§ 2998.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) guidance in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Labor (DOL) policies and procedures for non-procurement debarment and suspension. It thereby gives regulatory effect for DOL to the OMB guidance as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, "Debarment and Suspension" (3 CFR 1986 Comp., p. 189); Executive Order 12689, "Debarment and Suspension" (3 CFR 1989 Comp., p. 235); and section 2455 of the Federal Acquisition Streamlining Act of 1994, 103 (31 U.S.C. 6101 note).

§ 2998.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB guidance in subparts A through I of 2 CFR part 180 (see table at 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a "covered transaction" (see subpart B of 2 CFR part 180 and the definition of "non-procurement transaction" at 2 CFR 180.970);

(b) Respondent in a Department of Labor suspension or debarment action;

(c) Department of Labor debarment or suspension official; or

(d) Department of Labor grants officer, agreements officer, or other official authorized to enter into any type of non-procurement transaction that is a covered transaction.

§ 2998.30 What policies and procedures must I follow?

(a) The Department of Labor's policies and procedures that you must follow are specified in:

(1) Each applicable section of the OMB guidance in subparts A through I of 2 CFR part 180; and

(2) The supplement to each section of the OMB guidance that is found in this part under the same section number. (The contracts that are covered transactions, for example, are specified by section 220 of the OMB guidance (*i.e.,* 2 CFR 180.220) as supplemented by section 220 in this part (*i.e.,* Sec. 2998.220)).

(b) For any section of OMB guidance in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, the Department of Labor's policies and procedures are those in the OMB guidance.

Subpart A—General

§ 9808.137 Who in DOL may grant an exception to let an excluded person participate in a covered transaction?

Within the Department of Labor, the Secretary of Labor or designee has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB guidance at 2 CFR 180.135. If any designated official grants an exception, the exception must be in writing and state the reason(s) for deviating from the government-wide policy in Executive Order 12549.

Subpart B—Covered Transactions

§ 2998.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b) of the OMB guidance, this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the Department of Labor under a covered non-procurement transaction. This extends the coverage of the Department of Labor non-procurement suspension and debarment requirements to all lower tiers of subcontracts under covered non-procurement transactions, as permitted under the OMB guidance at 2 CFR 180.220(c) (see optional lower tier coverage in the figure in the appendix to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 2998.332 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

You, as a participant, must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of the OMB guidance in 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 2998.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435 of the OMB guidance, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, and supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E through J—[Reserved]

Title 29—Labor

PART 95—[AMENDED]

■ 2. The authority citation for part 95 continues to read as follows:

Authority: 5 U.S.C. 301; OMB Circular A–110, as amended, as codified at 2 CFR part 215.

§ 95.2 [Amended]

■ 3. Section 95.2 is amended in paragraph (mm) by revising the first citation "29 CFR part 98" to read "2 CFR part 2998" and revising the second citation "29 CFR part 98, subpart D" to read "29 CFR part 98".

§ 95.13 [Amended]

■ 4. Section 95.13 is amended by revising the citation "29 CFR part 98" to read "2 CFR part 2998".

§ 95.44 [Amended]

■ 5. Section 95.44 is amended in paragraph (d) by revising the citation "29 CFR part 98" to read "2 CFR part 2998".

§ 95.62 [Amended]

■ 6. Section 95.62 is amended in paragraph (d) by revising the citation "29 CFR part 98" to read "2 CFR part 2998".

Appendix A to Part 95—[Amended]

■ 7. Appendix A to part 95 is amended in paragraph 7 by removing the citation "29 CFR part 98" and adding in its place the citation to read "2 CFR part 2998".

PART 98—[REMOVED]

■ 8. Remove part 98.

[FR Doc. 2016–10014 Filed 4–28–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–4031; Directorate Identifier 2014–SW–072–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Type Certificate Previously Held by Eurocopter France)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2013–15–03 for Eurocopter France Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, and AS350D1 helicopters with a single hydraulic system and a certain hydraulic pump drive assembly installed. AD 2013–15–03 requires inspecting the hydraulic pump drive bearing (bearing) for leaks, rust, overheating, and condition. This proposed AD would add a requirement to grease the bearing and inspect for bronze particles in the grease, as well as change the inspection and inspection intervals of the bearing until it is replaced with an improved bearing. These proposed actions are intended to prevent hydraulic pump drive belt failure, loss of hydraulic servo assistance, and subsequent loss of helicopter control.

DATES: We must receive comments on this proposed AD by June 28, 2016.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4031; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) ADs, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

On July 11, 2013, we issued AD 2013–15–03, Amendment 39–17519 (78 FR 44422, July 24, 2013) for Eurocopter France (now Airbus Helicopters) Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, and AS350D1 helicopters. AD 2013–15–03 requires visually inspecting the bearing for leaks, rust, overheating, and condition and manually rotating the bearing and inspecting for friction points, brinelling, and noise. If any of these conditions exist, AD 2013–15–03 requires replacing the hydraulic pump drive assembly. AD 2013–15–03 was prompted by six reports of hydraulic pump drive belt failure caused by bearing seizures. These actions are intended to prevent hydraulic pump drive belt failure, loss of hydraulic servo assistance, and subsequent loss of helicopter control.

AD 2013–15–03 was prompted by AD No. 2013–0044–E, dated February 27, 2013, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Eurocopter France Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350D, and non-FAA type-certificated Model AS350BB helicopters. EASA advised of hydraulic pump drive belt failures caused by seizure of the bearing. EASA stated that this condition, for helicopters with a single hydraulic system, could lead to loss of hydraulic servo assistance and an increase in pilot workload to the point that the helicopter needs to land as soon as possible. AD No. 2013–0044–E consequently required repetitive inspections of the hydraulic pump drive belt and bearing and, if required, replacing the hydraulic pump drive assembly.

Actions Since AD 2013–15–03 Was Issued

Since we issued AD 2013–15–03 (78 FR 44422, July 24, 2013), EASA superseded AD No. 2013–0044–E with AD No. 2013–0284–E, dated December 2, 2013, which added a new greasing procedure and changed the inspection, reduced the inspection intervals, and required marking the pump support assemblies after corrective action or replacing the pump support assemblies as terminating action. EASA AD No. 2013–0284–E advised that the hydraulic pump drive failure was caused by accidental indentation of the raceways from incorrect fitting of the bearing. Airbus Helicopters then introduced a new bearing, part number (P/N) 704A33651269, to replace bearing P/N 704A33651243. This replacement corrects the unsafe condition as it has a reduced pre-loading value, which significantly improves its reliability. EASA consequently revised AD No. 2013–0284–E with AD No. 2013–0284R1, dated July 25, 2014, to exclude helicopters that had replaced the bearing with bearing P/N 704A33651269.

Because new cases of hydraulic pump drive bearing seizures continued to be reported on bearing P/N 704A33651243, EASA superseded AD No. 2013–0284R1 with EASA AD No. 2014–0233, dated October 23, 2014, to retain the inspections and require replacement of bearing P/N 704A33651243 with bearing P/N 704A33651269. Installation of the new bearing constitutes terminating action for the repetitive inspections.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin No. AS350–63.00.24, Revision 0, dated October 21, 2014 (ASB), for Model AS350B, AS350BA, AS350BB, AS350B1, AS350B2, AS350B3, AS350D, and military Model AS350L1 helicopters with a single hydraulic system and a hydraulic pump drive assembly P/N 350A35–0132–00. The ASB calls for mandatory replacement of bearing P/N 704A33651243 with bearing P/N 704A33651269 and introduces a preventative maintenance operation for bearing P/N 704A33651243 until it is replaced.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements

This proposed AD would require for each bearing with less than 115 hours time-in-service (TIS), before accumulating 150 hours TIS, and for each bearing with 115 or more hours TIS, within 50 hours TIS, and for all helicopters thereafter at intervals not to exceed 150 hours TIS:

- Greasing the bearing, performing a test ground run, and then inspecting for bronze particles all grease that comes out of the bearing during the ground run and all grease around the bearing.
- If there are any bronze particles in the grease, before further flight, replacing the bearing with bearing P/N 704A33651269. This action would constitute terminating action for the inspections in this AD.

Within 600 hours TIS and thereafter at intervals not to exceed 600 hours TIS, this proposed AD also would require:

- Visually inspecting the bearing for bronze particles in the grease. If there are any bronze particles in the grease, before further flight, replacing the bearing with bearing P/N 704A33651269. This would constitute terminating action for the inspections in this proposed AD.
- Manually rotating the bearing and inspecting for a friction point,

brinelling, and a noise from the bearing. If there is a hard point, any brinelling, or any noise from the bearing, before further flight, replacing the bearing with an airworthy bearing.

Replacing bearing P/N 704A33651243 with bearing P/N 704A33651269, or replacing hydraulic pump drive assembly P/N 350A35–0132–00 with hydraulic pump drive assembly P/N 350A35–0132–01, would constitute terminating action for the inspections required by this proposed AD.

Differences Between This Proposed AD and the EASA AD

The EASA AD applies to Airbus Helicopters Model AS350BB helicopters, and this proposed AD would not because the Model AS350BB has no FAA-issued type certificate. This proposed AD would apply to Model AS350D1 and AS350C helicopters, while the EASA AD does not.

Costs of Compliance

We estimate that this proposed AD would affect 729 helicopters of U.S. Registry and that labor costs average $85 per work hour. Based on these estimates, we expect the following costs:

- Greasing and visually inspecting the bearing would require 1.5 work hours and no parts would be needed. We estimate a total cost of $128 per helicopter and $93,312 for the U.S. fleet per inspection cycle.
- Inspecting and manually rotating the bearing would require 2 work hours and no parts would be needed. We estimate a total cost of $170 per helicopter and $123,930 for the U.S. fleet per inspection cycle.
- Replacing the bearing would require 2 work hours and $1,571 for parts, for a total cost of $1,741 per helicopter and $1,269,189 for the U.S. fleet.
- Replacing the hydraulic pump drive assembly would require 2 work hours and $8,543 for parts, for a total cost of $8,713 per helicopter and $6,351,777 for the U.S. fleet.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2013–15–03, Amendment 39–17519 (78 FR 44422, July 24, 2013), and adding the following new AD:

Airbus Helicopters (Previously Eurocopter France): Docket No. FAA–2015–4031; Directorate Identifier 2014–SW–072–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, and AS350D1 helicopters with a hydraulic pump drive bearing (bearing) part number (P/N) 704A33651243 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as seizure of the hydraulic pump drive pulley bearing. This condition could result in hydraulic pump drive belt failure, loss of hydraulic servo assistance, and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2013–15–03, Amendment 39–17519 (78 FR 44422, July 24, 2013).

(d) Comments Due Date

We must receive comments by June 28, 2016.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) For each bearing with less than 115 hours time-in-service (TIS), before accumulating 150 hours TIS, and for each bearing with 115 or more hours TIS, within 50 hours TIS, and for all helicopters thereafter at intervals not to exceed 150 hours TIS:

(i) Grease each bearing in accordance with the Accomplishment Instructions, paragraph 3.B.2.b., of Airbus Helicopters Alert Service Bulletin No. AS350–63.00.24, Revision 0, dated October 21, 2014 (ASB).

(ii) Perform a test ground run. Inspect all grease that comes out of the bearing during the ground run and all grease around the bearing for bronze particles.

(iii) If there are any bronze particles in the grease, before further flight, replace the bearing with bearing P/N 704A33651269. This constitutes terminating action for the inspections in this AD.

Note 1 to paragraph (f)(1)(iii) of this AD: Hydraulic pump drive assembly P/N 350A35–0132–01 is fitted with bearing P/N 704A33651269.

(2) Within 600 hours TIS and thereafter at intervals not to exceed 600 hours TIS:

(i) Visually inspect the bearing for bronze particles in the grease. If there are any bronze particles in the grease, before further flight, replace the bearing with bearing P/N 704A33651269. This constitutes terminating action for the inspections in this AD.

(ii) Manually rotate the bearing and inspect for a friction point, brinelling, and a noise from the bearing. If there is a hard point, any brinelling, or any noise from the bearing, before further flight, replace the bearing with bearing P/N 704A33651269.

(3) Replacing bearing P/N 704A33651243 with bearing P/N 704A33651269, or replacing hydraulic pump drive assembly P/N 350A35–0132–00 with hydraulic pump

drive assembly,
P/N 350A35–0132–01, constitutes terminating action for the inspections required by this AD.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Wilbanks, Aviation Safety Engineer, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2014–0233, dated October 23, 2014. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2015–4031.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 2913, Hydraulic Pump (Electric/Engine), Main.

Issued in Fort Worth, Texas, on April 21, 2016.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2016–09947 Filed 4–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. FDA–2016–F–1153]

3M Corporation; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Keller and Heckman LLP on behalf of 3M Corporation (Petitioner), requesting that we amend our food additive regulations to no longer provide for the use of two different perfluoroalkyl containing substances as water and oil repellents for paper and paperboard in contact with aqueous and fatty foods because these uses have been abandoned.

DATES: Submit either electronic or written comments by June 28, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2016–F–1153 for "Filing of Food Additive Petition: 3M Corporation." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov*. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Vanee Komolprasert, Center for Food Safety and Applied Nutrition (HFS–275), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1217.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(b)(5)), we are giving notice that we have filed a food additive petition (FAP 6B4814) submitted on behalf of 3M Corporation (Petitioner) by Keller and Heckman LLP, 1001 G Street NW., Suite 500 West, Washington, DC 20001. The petition proposes that we amend 21 CFR 176.170 to no longer provide for the use of two different perfluoroalkyl containing substances as components of paper and paperboard in contact with aqueous and fatty foods because these uses have been intentionally and permanently abandoned. The two petitioned substances are as follows:

1. Ammonium bis (N-ethyl-2-perfluoroalkylsulfonamido ethyl) phosphates, containing not more than 15 percent ammonium mono (N-ethyl-2-perfluoroalkylsulfonamido ethyl) phosphates, where the alkyl group is more than 95 percent C8 and the salts have a fluorine content of 50.2 percent to 52.8 percent as determined on a solids basis; and

2. Perfluoroalkyl acrylate copolymer (CAS Reg. No. 92265–81–1) containing 35 to 40 weight percent fluorine, produced by the copolymerization of ethanaminium, N,N,N-trimethyl-2-[(2-methyl-1-oxo-2-propenyl)-oxy]-, chloride; 2-propenoic acid, 2-methyl-, oxiranylmethyl ester; 2-propenoic acid, 2-ethoxyethyl ester; and 2-propenoic acid, 2[[(heptadecafluoro-octyl)sulfonyl]methyl amino]ethyl ester.

FDA authorized use of these two substances under 21 CFR 176.170 in response to food additive petitions submitted by the Petitioner (33 FR 14544, September 27, 1968; 35 FR 14840, September 24, 1970; 37 FR 9762, May 17, 1972; and 52 FR 3603, February 5, 1987).

II. Abandonment

Under section 409(i) of the FD&C Act, we "shall by regulation prescribe the procedure by which regulations under the foregoing provisions of this section may be amended or repealed, and such procedure shall conform to the procedure provided in this section for the promulgation of such regulations." Our regulations specific to administrative actions for food additives provide that the Commissioner, on his own initiative or on the petition of any interested person, under 21 CFR part 10, may propose the issuance of a regulation amending or repealing a regulation pertaining to a food additive or granting or repealing an exception for such additive (§ 171.130(a) (21 CFR 171.130(a))). These regulations further provide that any such petition shall include an assertion of facts, supported by data, showing that new information exists with respect to the food additive or that new uses have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the existing regulation or exemption may justify its amendment or appeal. New data shall be furnished in the form specified in 21 CFR 171.1 and 171.100 for submitting petitions (21 CFR 171.130(b)). Under these regulations, a petitioner may propose that we amend a food additive regulation if the petitioner can demonstrate that there are "old uses abandoned" for the relevant food additive. Such abandonment must be complete for any intended uses in the U.S. market. While section 409 of the FD&C Act and § 171.130 also provide for amending or revoking a food additive regulation based on safety, an amendment or revocation based on abandonment is not based on safety, but is based on the fact that regulatory authorization is no longer necessary because the use of the food additive has been abandoned.

Abandonment may be based on the abandonment of certain authorized food additive uses for a substance (*e.g.*, if a substance is no longer used in certain product categories), or on the abandonment of all authorized food additive uses of a substance (*e.g.*, if a substance is no longer being manufactured). If a petition seeks an amendment to a food additive regulation based on the abandonment of certain uses of the food additive, such uses must be adequately defined so that both the scope of the abandonment and any amendment to the food additive regulation are clear.

The petition submitted on behalf of 3M Corporation includes the following information to support the claim that the uses of the two respective substances are no longer being introduced into the U.S. market. The Petitioner provides a statement that, to the best of the Petitioner's knowledge, the Petitioner was the sole and exclusive domestic and international manufacturer of the two respective substances for the abandoned uses and that the Petitioner does not currently manufacture them for food contact use in the U. S. In addition, the Petitioner submitted information on its May 2000 agreement with the U.S. Environmental Protection Agency (EPA) to voluntarily phase out production of perfluorooctane sulfonate (PFOS), which is used to produce the two petitioned substances (*https://www.epa.gov/sites/production/files/2014-04/documents/factsheet_contaminant_pfos_pfoa_march2014.pdf*). According to the petition, the Petitioner completed a voluntary phase-out of PFOS production in 2002. The Petitioner states that it does not intend to manufacture or import, nor does it maintain an inventory for sale or distribution, of the two respective substances for use in food-contact applications in the U.S. in the future.

We expressly request comments on the Petitioner's request to amend 21 CFR 176.170 of the food additive regulations to no longer permit the use of the two respective perfluoroalkyl containing substances as water and oil repellants for paper and paperboard in contact with aqueous and fatty foods. More specifically, these two petitioned substances as identified in this section may currently be used as components of the uncoated or coated food-contact surface of paper and paperboard for use in contact with aqueous and fatty foods, subject to the provisions of 21 CFR 176.170. As noted, the basis for the proposed amendment is that the uses of the respective substances have been permanently and completely abandoned. Accordingly, we request comments that address whether these uses of the respective substances have been completely abandoned, such as information on whether food-contact paper and paperboard containing the two respective substances are currently being introduced or delivered for introduction into the U.S. market. Furthermore, we request comments on whether the uses that are the subject of the petition have been adequately defined. We are not aware of information that suggests continued use of the respective substances as water and oil repellents for paper and paperboard in contact with aqueous and fatty foods. We are providing the public with 60 days to submit comments. We anticipate that some interested persons may wish to provide FDA with certain information they consider to be trade secret or confidential commercial information (CCI) that would be exempt under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552). Interested persons may claim information that is submitted to FDA as CCI or trade secret by clearly marking both the document and the specific information as "confidential." Information so marked will not be disclosed except in accordance with the Freedom of Information Act (5 U.S.C. 552) and the FDA's disclosure regulations (21 CFR part 20). For electronic submissions to *http://www.regulations.gov,* indicate in the "comments" box of the appropriate docket that your submission contains confidential information. Interested persons must also submit a copy of the comment that does not contain the information claimed as confidential for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice.

We are not requesting comments on the safety of the uses of these two perfluoroalkyl containing substances because, as discussed previously in this document, such information is not relevant to abandonment, which is the basis of the proposed action. Any comments addressing the safety of the two perfluoroalkyl containing substances or containing safety information on these substances will not be considered in our evaluation of this petition.

We have determined under 21 CFR 25.32(m) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: April 22, 2016.

Dennis M. Keefe,

Director, Office of Food Additive Safety, Center for Food Additive Safety and Applied Nutrition.

[FR Doc. 2016–09932 Filed 4–28–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107, 171, 173, 178, 179 and 180

[Docket No. PHMSA–2010–0019 (HM–241)]

RIN 2137–AE58

Hazardous Materials: Incorporation of ASME Code Section XII and the National Board Inspection Code

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Supplemental Notice of Proposed Rulemaking (SNPRM).

SUMMARY: This SNPRM proposes to incorporate and allow the use of the 2015 edition of the American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel Code, Section XII—Rules for Construction and Continued Service of Transport Tanks* for the construction and continued service of cargo tank motor vehicles (CTMVs), cryogenic portable tanks, and multi-unit tank car tanks ("ton tanks"). The PHMSA also proposes to incorporate and authorize the use of the 2015 edition of the National Board of Boiler and Pressure Vessel Inspectors *National Board Inspection Code, in our regulations* as it applies to the continued service of CTMVs, cryogenic portable tanks, and ton tanks constructed to ASME *Section XII* standards, as well as for existing CTMVs constructed in accordance with the current hazardous materials regulations. If adopted, these amendments will allow for flexibility regarding selection of authorized packaging, in addition to qualification and maintenance for continued service of the packaging, without compromising safety.

DATES: Submit comments by June 28, 2016. To the extent possible, PHMSA will consider late-filed comments as we determine whether additional rulemaking is necessary.

ADDRESSES: You may submit comments identified by the docket number [PHMSA–2010–0019 (HM–241)] by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Instructions: All submissions must include the agency name and docket number for this notice at the beginning of the comment. Note that all comments received will be posted without change to the docket management system, including any personal information provided.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES**). To access and review ASME's *Section XII—Rules for Construction and Continued Service of Transport Tanks;* and the National Board's *NBIC Parts 1, 2, and 3, and Part 2, Section 6, Supplement 6—Continued Service and Inspection of DOT Transport Tanks,* and *Part 3, Section 6, Supplement 6—Repair, Alteration, and Modification of DOT Transport Tanks,* go to: *http://go.asme.org/PHMSA-ASME-CFR.*

Privacy Act: Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 [65 FR 19477] or you may visit *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Dirk Der Kinderen, Hazardous Materials Standards and Rulemaking Division, (202) 366–8553, or Stanley Staniszewski, Engineering and Research Division, (202) 366–4492, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

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I. Executive Summary

The PHMSA (also "we" or "us") proposes to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) to incorporate by reference and authorize the use of the following:

- The 2015 edition of American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel Code (BPVC), Section XII—Rules for Construction and Continued Service of Transport Tanks* (hereinafter referred to as "*Section XII*"); and
- The 2015 edition of the National Board of Boiler and Pressure Vessel

Inspectors *National Board Inspection Code* (*NBIC*), *Parts 1, 2, and 3,* and *Supplement 6* (hereinafter referred to as "*NBIC*" and "*Supplement 6,*" respectively);

The proposal is structured to provide an alternative to the 1998 editions of ASME *Section VIII, Division 1* (currently incorporated by reference (IBR) and hereinafter referred to as "*Section VIII, Division 1*") and the HMR requirements in Part 178 for the construction of cargo tank motor vehicles (CTMVs) and cryogenic portable tanks, Part 179 for the construction of multi-unit tank car tanks (hereinafter referred to as "ton tanks"), and Part 180 for the continuing qualification and maintenance of CTMVs, cryogenic portable tanks, and ton tanks. We previously responded to petitions submitted by industry representatives by publishing a notice of proposed rulemaking (NPRM)[1] to incorporate the 2013 editions of *Section XII* and the *NBIC* (including *Supplement 6*). *Section XII* sets forth standards for construction[2] and continued service[3] of pressure vessels used for transporting hazardous materials by various modes of transportation. The *NBIC* and *Supplement 6* provide rules and guidelines for inspecting, repairing, and altering transport tanks. Table 1 lists the packagings for which *Section XII* may be used for construction.

TABLE 1—AUTHORIZED TRANSPORT TANKS UNDER SECTION XII

Tank type	Specification
Cargo Tank Motor Vehicles (CTMVs).	MC 331, 338, and DOT 406, 407, and 412.
Cryogenic Portable Tanks.	UN T75.
Ton Tanks	DOT–106A and 110AW.

If the proposed amendments are adopted, manufacturers will have the option to either build tanks to *Section XII* or continue using *Section VIII, Division 1.* While *Section VIII, Division 1* applies to construction only and must be used in conjunction with HMR Parts 178–180 for construction and continued service, *Section XII* covers construction of new tanks and continued service of existing tanks. Further, as proposed, CTMVs and portable tanks built to *Section VIII, Division 1* would be authorized for qualification and continued service using the more current edition of the *NBIC* in addition to Part 180; whereas CTMVs and portable tanks built to *Section XII* would be required to use *NBIC* (and *Supplement 6*) for qualification and continued service. Table 2 describes the framework available to manufacturers and owners of transport tanks with regard to IBR of *Section XII* and *NBIC.*

TABLE 2—FRAMEWORK FOR CONTINUED SERVICE

If a Table 1 . . .	Is built to . . .	Then,
CTMV	*Section XII*	The 2015 *NBIC* and *Supplement 6* must be used.
CTMV	*Section VIII, Division 1*	Part 180 of the HMR must be used along with the 2015 *NBIC* or the 1992 *NBIC* already in the HMR.
Cryogenic Portable Tank	*Section XII*	The 2015 *NBIC* and *Supplement 6* must be used.
Cryogenic Portable Tank	*Section VIII, Division 1*	Part 180 of the HMR must be used along with the 2015 *NBIC* or the 1992 *NBIC* already in the HMR.
Ton Tank	*Section XII*	The 2015 *NBIC* and *Supplement 6* must be used.
Ton Tank	Part 179 and FRA approval	Part 180 and FRA approval must be used.

The 2015 editions of the respective codes include advancements in design, material, fabrication, repair, and inspection of transport tanks. Incorporation by reference would provide manufacturers and owners with flexibility, while providing an equivalent level of safety to the current use of *Section VIII, Division 1* and the HMR.

The *NBIC* (including *Supplement 6*) was updated in conjunction with *Section XII* to provide up-to-date standards for the qualification and continued service of pressure vessels, including transport tanks. Both *Section XII* and the *NBIC* were developed as global standards and were written to be compatible with the *United Nations Recommendations on the Transport of Dangerous Goods.* Moreover, these standards were developed by voluntary consensus standards-development organizations[4] comprised of stakeholders involved in the design, certification, continued qualification, and maintenance of transport tanks, including manufacturers of tanks and PHMSA engineers. These individuals have expert knowledge of how to design, construct, and maintain tanks to withstand the unique dynamic conditions and stresses of a transportation environment.

Manufacturers, tank owners, users, maintenance and repair entities, and third-party inspectors (including potentially public sector inspectors) could incur costs under the scope of our proposed amendments. Manufacturers who opt for *Section XII* tanks would have to purchase the updated standards and most likely attend additional training. Entities that repair tanks and third-party inspectors opting to provide *Section XII* repairs or inspections may have to acquire new certificates of authorization and purchase and be trained in both updated codes, although it is likely that many already have the most current codes in order to maintain their "U" or "R" stamp in accordance with obligations under the ASME.

Benefits associated with the use of *Section XII* and the *NBIC* include greater efficiencies in the manufacture of tanks, as well as the mitigation of the fluctuating cost of materials. Because *Section XII* allows for the use of a broader range of materials of construction, manufacturers now have more ways to lower the cost of tank construction, while still maintaining safety. Also, CTMVs built to *Section XII* could achieve lower transport costs due to reduced fuel costs from weight savings and/or fewer miles traveled from increased capacity.

The costs and benefits of this rulemaking would predominantly impact only those entities opting to use the 2015 codes. Therefore, PHMSA does not believe the authorization to use and IBR *Section XII* and the *NBIC* (including *Supplement 6*) would impose substantial costs on affected entities. That is, we do not believe a manufacturer would opt to use *Section XII* to build a tank unless it believes an economic advantage will be gained.

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[1] December 30, 2013 [78 FR 79363].

[2] "Construction" is an all-inclusive term comprising materials, design, fabrication, examination, inspection, testing, certification, and over-pressure protection.

[3] "Continued service" is an all-inclusive term referring to inspection, testing, repair, alteration, and recertification of a transport tank that has been in service.

[4] *i.e.,* The American Society of Mechanical Engineers and the National Board of Boiler and Pressure Vessel Inspectors.

II. ASME and NBIC Background

A. What is ASME?

The American Society of Mechanical Engineers (ASME) is an international developer of codes and standards associated with the art, science, and practice of mechanical engineering. The organization develops and revises codes and standards that cover topics including pressure technology, construction, engineering design, standardization, and performance testing. Engineers, scientists, government officials, and others contribute their technical expertise to this enterprise.

Codes and standards such as *Section XII* of the *Boiler and Pressure Vessel Code* are developed based on market needs through a consensus (committee) process that is open to all members of the public. The ASME consensus committees are made up of volunteer subject matter experts, ranging from manufacturers to users to government officials. Standards and subsequent revisions are based on review of technical data by the consensus committee and its subcommittees. The development and revision process includes a public review for all actions. Any interested member of the general public may review and comment on proposed ASME standards or revisions. Refer to the following ASME Web site for the *Section XII* committee and associated publication information: *https://cstools.asme.org/csconnect/CommitteePages.cfm?Committee=N20150000*. We note that a PHMSA official participated on the committee that developed the *Section XII* standards.

B. What is Section XII of the Boiler and Pressure Vessel Code?

Section XII provides standard requirements for construction and continued service of pressure vessels for the transportation of hazardous material by highway, rail, air, or water at pressures from full vacuum to 3,000 psig (207 bar) and volumes greater than 120 gallons (450 liters). "Construction" is an all-inclusive term comprising materials, design, fabrication, examination, inspection, testing, certification, and over-pressure protection. "Continued service" refers to inspection, testing, repair, alteration, and recertification of a transport tank that has been in service. *Section XII* also contains modal appendices containing requirements for packagings used in specific transport modes and service applications. Finally, rules pertaining to the use of the ASME "T" product certification marks are also included.

C. What is the National Board of Boiler and Pressure Vessel Inspectors?

The National Board of Boiler and Pressure Vessel Inspectors (hereinafter called the National Board) is a member organization that promotes uniformity in the construction, installation, repair, maintenance, and inspection of pressure equipment. The National Board, which is comprised of the chief boiler inspectors representing much of North America, oversees adherence to laws, rules, and regulations relating to boilers and pressure vessels. Functions of the National Board include the following: Commissioning inspectors through a comprehensive examination process; accrediting qualified repair and alteration companies; and developing installation, inspection, repair, and alteration standards (*i.e.*, the *NBIC*). Furthermore, as it is an American National Standards Institute (ANSI) accredited standards development organization, the National Board follows an approved set of standards development procedures and is subject to regular audits by ANSI.

D. What is the National Board Inspection Code and Supplement 6?

The *National Board Inspection Code (NBIC)* provides rules and guidelines for the repair, alteration, inspection, installation, maintenance, and testing of boilers, pressure vessels, and other pressure-retaining items. *Supplement 6* provides rules for continued service inspections of transport tanks (*i.e.*, CTMVs, portable tanks, and ton tanks) that transport hazardous material subject to the HMR and the *United Nations Recommendations on the Transport of Dangerous Goods*—Model Regulations. *Supplement 6* is intended to be used in conjunction with other applicable parts of the *NBIC* and *Section XII* of the ASME *Boiler and Pressure Vessel Code*.

III. Regulatory History and Response to Comments

All associated rulemaking actions, supporting documentation, and comments on the rulemaking are available for review at the docket to this rulemaking [PHMSA–2010–0019].

A. ANPRM

The PHMSA published an Advanced Notice of Proposed Rulemaking (ANPRM) on December 23, 2010 [75 FR 80765], in which we asked a number of questions pertaining to the potential costs, burdens, or safety concerns associated with incorporating *Section XII* and the 2011 edition of the *NBIC* for the construction and continued service of CTMVs, cryogenic portable tanks, and ton tanks. The ANPRM generated comments from 32 stakeholders, many of whom submitted multiple comments—some on the length of the comment period and most on the substance of the ANPRM. The majority of the comments—40 different comments from 21 commenters—were in opposition to the IBR of the two sets of standards into the HMR. In the ANPRM, there were no specific proposals set forth regarding the method of incorporation into the regulations of *Section XII* and the *NBIC* (*e.g.*, replacement of *Section VIII, Division 1* with *Section XII* and the *NBIC* or incorporation by reference of *Section XII* and the *NBIC* as an alternative to *Section VIII, Division 1*). For that reason, it was assumed by many commenters that *Section XII* would outright replace *Section VIII, Division 1* and the HMR, and these commenters voiced their opposition with the belief that they would not have an option to select the standard(s) to use.

B. NPRM

The PHMSA published an NPRM on December 30, 2013 [78 FR 79363] in which we proposed to IBR the 2013 edition of *Section XII*, with limited exceptions, as an alternative to existing standards for CTMVs, cryogenic portable tanks, and ton tanks. *Section VIII, Division 1*, as currently authorized in the HMR, applies to new construction only and requires that tanks are marked with a "U" stamp to indicate construction and certification in accordance with that section of the ASME Code. *Section XII* is structured such that it addresses new construction and continued service (*e.g.*, repairs). Tanks constructed under this standard will require a "T" stamp; whereas tanks that are repaired under *Section XII* would be marked with either an "R" or a "TR" stamp to indicate a repair, dependent on whether the tank was originally constructed and certified according to *Section VIII, Division 1* or *Section XII*, respectively. Further, PHMSA proposed to IBR the 2013 edition of the *NBIC* (including *Supplement 6*) for alterations, repairs, and inspections performed on all

ASME-constructed tanks used for the transportation of hazardous materials. This proposed IBR is intended as an alternative to the current IBR edition of the *NBIC* and conditions and limitations in HMR Part 180 used for tanks constructed to *Section VIII, Division 1.* Further, as proposed, use of the updated *NBIC* would be optional for *Section VIII, Division 1* CTMVs but required for *Section XII* authorized transport tanks. The PHMSA provided a comparison of *Section XII* and *Section VIII, Division 1* (supplemented by the current HMR). Readers can review this comparison in its entirety in the NPRM [Docket No. PHMSA–2010–0019 (HM–241)]. Moreover, research and development projects summarized in the NPRM supported the proposed codes and standards to be adopted under this rulemaking docket. From the results of the studies as well as our own analysis, PHMSA concluded that the proposed standards provide an equivalent level of safety to the current structure of standards in the HMR.

The NPRM generated comments from 20 stakeholders. The majority of the comments were in opposition to IBR the two sets of standards into the HMR; two commenters supported the proposals; and three commenters supported the proposals with modification. Several commenters posed questions or proposed additional modifications. Commenters in support of the proposals generally indicated: (1) The need to incorporate *Section XII* to reflect present-day improvements, especially the new definitions of authorized inspection agencies; and (2) providing for an alternative as reasons for support. Commenters opposing the proposals generally indicated: (1) Lack of public input and inaccessibility to current and future versions of *Section XII* and the *NBIC;* (2) inefficient and excessive cost to the industry; and (3) no actual improvement in hazardous materials transportation safety as reasons for opposition. Commenters also raised questions about how continued service requirements of *Section XII* will affect small industry stakeholders and what role DOT/PHMSA may have in oversight of that process. Commenter concerns are summarized and discussed further below.

1. Lack of Public Input in Future Versions of Section XII and the NBIC

Commenters expressed concern that decisions relative to the development of the code are heavily weighted to those participating in committee meetings, especially third-party inspection agencies who may be biased by self-interest. Commenters also stated that the process provides no assurance of public input for future revisions to the codes because the National Board, for example, has no legal mandate to provide for future participation by the general public or interested parties.

The PHMSA disagrees. Information about the *Section XII* and *NBIC* development and revision process is made available online to the public, and draft revisions are made available for public review and input.[5] ASME and the National Board are accredited standards developing organizations that meet due process requirements as defined by the non-governmental American National Standards Institute. Furthermore, committee participation is open to anyone with an interest in a particular subject area and with the requisite technical expertise. It may appear that decisions are weighted towards certain committee members, yet committee membership is made up of more than just third-party inspection agencies, as evidenced by the listing of members for the various committees and subcommittees of both ASME and the National Board. This information is also made available to the public.

2. Inefficient and Excessive Cost to the Industry

Commenters stated *Section XII* would necessitate purchase of new equipment and increased training for both the installation of the equipment and its operation. Furthermore, commenters stated that purchasing new publications from ASME and the National Board, while also maintaining the existing editions and sections, will increase direct costs along with the aforementioned equipment. In addition to purchasing the codes, the cost and maintenance of welding certifications will increase dramatically.

While there may be increased costs to industry, PHMSA does not agree with commenters indicating inefficient or excessive costs for adopting *Section XII* and *NBIC* codes. The PHMSA is proposing to IBR the *Section XII* and *NBIC* codes as an alternative to current requirements for the construction and continued service of certain CTMVs, cryogenic portable tanks, and ton tanks (see Table 2 above). Use of *Section XII* and the *NBIC* will not be mandated, so it will not necessitate equipment purchase, employee training, or code purchase unless it is in the interest of a manufacturer, non-manufacturer, or inspector to do so. Although costs to each type of industry stakeholder will vary, we believe the overall cost burden will be lower because of an expected lower usage rate. It will remain a business decision to construct pressure vessels to *Section VIII, Division 1,* to *Section XII,* or to both. The PHMSA sees this as no different than making a determination to construct all authorized DOT-specification CTMVs or specialize in DOT 400 series CTMVs, for example. Furthermore, we believe it is very likely that many in this industry already have the most current codes in order to maintain their "U" or "R" stamps. We do however acknowledge that those who enforce compliance with these standards will incur a cost (*e.g.,* training) regardless of the usage rate of the new standard.

3. No Improvement in Safety

Commenters opposed to the NPRM generally indicated the lack of safety improvements as a basis for the opposition. The PHMSA does not agree with commenters indicating that adoption of *Section XII* and *NBIC* would provide no improvements in hazardous material transportation safety. The 2015 editions of *Section XII* and the *NBIC* include advancements in design, material, construction, repair, and inspection of transport tanks, and *Section XII* was specifically developed with the transport environment in mind. Furthermore, IBR of these codes provides the public with a more flexible approach to achieve the safety transportation of hazardous material. Specifically, it would allow manufacturers and owners of transport tanks flexibility in the materials they use to build tanks, how they build tanks, and how they test and inspect tanks, while providing at the very least the same level of safety as currently provided by the HMR and *Section VIII, Division 1* for new construction and the HMR for continued qualification and maintenance.

In response to comments and questions about PHMSA's role in continuing service requirements and ensuring compliance with industry standards, from design and manufacturing to repairs, PHMSA is proposing to amend 49 CFR 107.307(a) to reiterate existing authority to enforce compliance with industry standards incorporated by reference.

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[5] For example, public comments may be submitted on proposed new ASME Standards drafts and on proposals to revise existing ASME Standards. All ASME public review proposals are available in hard copy at no cost and some are available electronically also at no cost. See *https://cstools.asme.org/csconnect/PublicReviewpage.cfm.*

IV. SNPRM Summary

A. Why are we issuing a supplemental notice?

The PHMSA is issuing an SNPRM rather than a final rule for three basic reasons:

(1) To provide stakeholders the opportunity to comment on the safety improvements and updates reflected in the revised 2015 editions of *Section XII* and the *NBIC* (and *Supplement 6*);

(2) To synchronize the timing of our rulemaking action with the biennial updates of *Section XII* and *NBIC* by ASME and the National Board, respectively; and

(3) To minimize or relieve the public and the government of possible administrative burdens (*e.g.*, special permit applications) that would be associated with incorporating by reference the 2013 editions, as previously proposed, when 2015 editions have been published.

B. What are we proposing?

In this SNPRM, PHMSA is proposing the following:

(1) IBR the 2015 edition of *Section XII*, (instead of the 2013 edition, as previously proposed for incorporation under the NPRM published December 30, 2013 [78 FR 79363]);

(2) IBR the 2015 edition of the *NBIC* and *Supplement 6* (instead of the 2013 editions, as previously proposed for incorporation under the December 2013 NPRM);

(3) Authorize construction and continued service of CTMVs, cryogenic portable tanks, and ton tanks in accordance with *Section XII*. The following transport tanks would be eligible for construction and continued service under *Section XII:*

TABLE 3—AUTHORIZED TRANSPORT TANKS UNDER SECTION XII

Tank type	Specification
Cargo Tank Motor Vehicles (CTMVs).	MC331, 338, and DOT 406, 407, and 412.
Cryogenic Portable Tanks.	UN T75.
Ton Tanks	DOT–106A and 110AW.

Note: Tanks listed in this table that are already constructed under *Section VIII* are not eligible for continued services using *Section XII*.

(4) Require the use of the 2015 *NBIC*, and *Supplement 6* where applicable, for the qualification, requalification, and maintenance of transport tanks (constructed under *Section XII*) listed in Table 3 above;

(5) Authorize the use of the 2015 *NBIC* for the continued service, inspection, and repair of those CTMVs currently in service and constructed to *Section VIII, Division 1* and the HMR.

C. Why incorporate by reference?

Section 12(d) of Public Law 104–113, the National Technology Transfer and Advancement Act of 1995, 15 U.S.C. 272 (hereinafter "the Act"), directs agencies to use voluntary consensus standards in lieu of government-unique standards except where inconsistent with law or otherwise impractical. "Use" means inclusion of a standard in whole, in part, or by reference in regulation(s). We believe the use of *Section XII* and the *NBIC* is consistent with the Act and serves PHMSA's program needs by helping to improve safety through authorized use of standards developed specifically with transportation in mind. The use of such standards, whenever practicable and appropriate, is intended to achieve the following goals:

(1) Eliminate the cost to the Government of developing its own standards and decrease the cost of the burden of complying with agency regulation.

(2) Provide incentives and opportunities to establish standards that serve national needs.

(3) Promote efficiency and economic competition through harmonization of standards.

D. Are there any major changes of note between the 2015 and 2013 editions of Section XII and the NBIC (including Supplement 6)?

The PHMSA's review of the 2015 edition of the codes did not reveal any major substantive differences between the two editions, especially with regard to the *NBIC* and *Supplement 6*. Below we highlight some of the more notable changes to *Section XII* from the 2013 edition to the 2015 edition:

- Revised the general requirements for welding so that the Modal Appendices are used to provide direction for construction;
- Revised Code Case 1750 to include *Section XII* to allow use of additional materials for valves;
- Updated *Section XII* regarding pressure relief devices for consistency with updates to *Section VIII, Division 1* and developed a new Mandatory Appendix XIX based on these updates;
- Updated Modal Appendix 1 (cargo tanks) for allowable stress criteria.

V. Section-by-Section Review

The following is a section-by-section review of the amendments proposed in this SNPRM:

A. Part 107

Section 107.307

Section 107.307 is the process for compliance orders and civil penalties (*i.e.*, enforcement). In this SNPRM, we are proposing to revise paragraph (a) to reiterate PHMSA's existing authority to enforce compliance with industry standards incorporated by reference into the HMR.

Subpart F

Subpart F establishes a registration procedure for persons who are engaged in the manufacture, assembly, inspection and testing, certification, or repair of a cargo tank/CTMV manufactured in accordance with a DOT specification or under terms of a special permit issued under Part 107. In this SNPRM, we are not proposing to revise this subpart, but we note for general awareness that the new § 173.14, as discussed below, will reference the registration requirement in this subpart by noting that "inspectors" and "repairers" of these packagings must be registered with the DOT.

B. Part 171

Section 171.7

Section 171.7 lists IBR material. This SNPRM proposes to amend § 171.7, Reference material, to list the 2015 edition of *Section XII* and the 2015 edition of the *NBIC* and *Supplement 6*. Specifically, a new paragraph (g)(2) will be added to include an entry for 'ASME Code Section XII' in addition to the currently referenced sections of the 1998 edition of the 'ASME Code', *e.g., Section VIII, Division 1*. We will make a conforming amendment to redesignate current paragraph (g)(2) as (g)(3) for ASME B31.4–1998 Edition, *Pipeline Transportation Systems for Liquid Hydrocarbons and other Liquids, Chapters II, III, IV, V,* and *VI,* November 11, 1998. In addition, we propose to amend § 171.7 to include the 2015 editions of the *NBIC* and *Supplement 6*. Specifically, paragraph (x)(2) will be revised to include an entry for 'NBIC 2015,' and a new paragraph (x)(3) will be added for 'NBIC 2015, Supplement 6.'

C. Part 173

Section 173.14

In this SNPRM, we are proposing to add a new § 173.14 for authorization of and conditions on the use of *Section XII* for the construction and continued service of certain types of transport tanks discussed above, as follows:

For All Tank Types. Conditions for all authorized tank types will be specified in paragraph (a)(1) as follows:

- Authorized IBR material includes ASME *Section XII* Modal Appendices, Mandatory Appendices, and Non Mandatory Appendices; and use of ASME *Section II* materials, *Section V* Nondestructive Examination, *Section VIII, Division 1* for parts only, *Section VIII, Division 2* for Fatigue Analysis only, *Section IX* for welding and brazing in accordance with *Section XII* requirements; authorized IBR material also includes the *NBIC Parts 1, 2,* and *3,* and *Supplement 6* of *Parts 2* and *3;*
- The *NBIC* and *Supplement 6* must be used for the design, repair, alteration, certification, qualification, and maintenance of cargo tank motor vehicles, cryogenic portable tanks, and multi-unit tank car tanks (ton tanks) constructed to *Section XII;*
- Nameplate character markings must be a minimum 4 mm (5/32″); markings directly on the tank must be a minimum 8 mm (5/16″);
- Marking must be in accordance with *Supplement 6.* Periodic test information is prohibited on the ASME nameplate;
- Inspection personnel must have qualifications as required by *Section XII,* Article TG–4, and as evident by having a current National Board commission with endorsement for the level and type of inspection (Transport Tank Class) to be performed, or certification from their employer when applicable;
- Inspectors or their employer must be registered with DOT; and
- Repairs must be performed by a facility holding a current National Board certificate of authorization for the use of the National Board "TR" or "R" stamp.

For CTMVs. Conditions and requirements specific to CTMVs will be specified in paragraph (a)(2). The CTMVs must also conform to all applicable requirements of Part 173 of the HMR and must meet: *Section XII, Modal Appendix 1* and the appropriate *Article* of the appendix for the category of CTMV; all *Mandatory Appendices;* and applicable *Non Mandatory Appendices,* except as follows:

- Repairs must be performed by a DOT-registered facility holding a current National Board certificate of authorization for the use of the "TR" or "R" stamp; and
- For Category 338 Cargo Tanks (synonymous with DOT MC 338 CTMVs), *Section XII, Modal Appendix 1, Article 4, paragraph 1–4.4(g)(6)* does not apply. A minimum jacketed thickness of 2.4 mm (0.0946 in) 12 gauge in the reference steel is allowed.

For Cryogenic Portable Tanks. Conditions and requirements specific to cryogenic portable tanks will be set forth in paragraph (a)(3). These portable tank types must also conform to all applicable requirements of Part 173 of the HMR and must meet: *Section XII, Modal Appendix 3, Article 1;* all *Mandatory Appendices;* and applicable *Non Mandatory Appendices,* except as follows:

- External and internal visual inspections in accordance with *Supplement 6* are required in addition to *Section XII, Modal Appendix 3, Article 1, paragraph 3–1.10(b)* and *Article 1, 3–1.10(b)(5);* and
- *Section XII, Modal Appendix 3, Article 1, paragraph 3–1.10* requires repairs to be performed by a facility holding a current National Board certificate of authorization for the use of the "TR" or "R" stamp. Records must be in accordance with the *Supplement 6,* as applicable.

For Ton Tanks. Conditions and requirements specific to ton tanks will be set forth in paragraph (a)(4). Ton tanks must conform to all applicable requirements of Part 173 and must meet: *Modal Appendix 4, Article 1;* all *Mandatory Appendices;* and applicable *Non Mandatory Appendices,* except as follows:

- *Section XII, Modal Appendix 4, Article 1, paragraph 3–1.10.* Manufacturer-certified fusible plugs tested and qualified under the fuse plug manufacturers' written quality control system are required;
- *Section XII, Modal Appendix 4, Article 1, paragraph 4–8.* Non-ASME marked fusible plugs are allowed;
- *Section XII, Modal Appendix 4, Article 1, paragraph 4–12(a).* External and internal visual inspections must be in accordance with *Supplement 6;*
- *Section XII, Modal Appendix 4, Article 1, paragraph 4–12(e).* Records must be kept in accordance with *Supplement 6;* and
- A ton tank that fails a prescribed test or inspection must be repaired as specified in the *NBIC* or removed from service.

D. Part 178

Section 178.278

We propose a new § 178.278 authorizing the use of *Section XII* and the *NBIC* (and *Supplement 6*) for construction and qualification of cryogenic portable tanks.

Section 178.300

We propose a new § 178.300 authorizing the use of *Section XII* and the *NBIC* (and *Supplement 6*) for construction and qualification of cargo tank motor vehicles.

E. Part 179

Section 179.302

We propose a new § 179.302 authorizing the use of *Section XII* and the *NBIC* (and *Supplement 6*) for construction and qualification of ton tanks.

F. Part 180

Section 180.402

We propose a new § 180.402 authorizing use of the *NBIC* for the continuing qualification and maintenance of CTMVs.

Section 180.413

We propose to revise § 180.413 to authorize use of the *NBIC* with *Section VIII, Division 1* for the continued service of CTMVs.

Section 180.502

We propose a new § 180.502 authorizing use of the *NBIC* for the continuing qualification and maintenance of ton tanks constructed to *Section XII.*

Section 180.602

We propose a new § 180.602 authorizing use of the *NBIC* for the continuing qualification and maintenance of cryogenic portable tanks constructed to *Section XII.*

VI. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This SNPRM is published under the authority of the Federal Hazardous Materials Transportation Law, 49 U.S.C. 5101 *et seq.* Section 5103(b) authorizes the Secretary to prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce. This SNPRM provides an alternative to the current process for the construction and continued service of CTMVs, cryogenic portable tanks, and ton tanks, without compromising safety.

The Administrative Procedure Act (APA) requires Federal agencies to give interested persons the right to petition an agency to issue, amend, or repeal a rule (5 U.S.C. 553(e)). Section 106.95 of the HMR, provides the process and procedures for persons to petition PHMSA to add, amend, or delete a regulation. In this SNPRM, PHMSA is addressing this statutory requirement by considering petitions for rulemaking from ASME, the National Board, and the Pressure Vessels Manufacturers Association.

B. Executive Order 12866, Executive Order 13563, Executive Order 13610, and DOT Regulatory Policies and Procedures

This SNPRM is not considered a significant regulatory action under Section 3(f) of Executive Order 12866 ("Regulatory Planning and Review") and, therefore, was not reviewed by the Office of Management and Budget (OMB). The proposed rule is not considered a significant rule under the Regulatory Policies and Procedures order issued by the U.S. Department of Transportation [44 FR 11034].

Executive Order 13563 ("Improving Regulation and Regulatory Review") supplements and reaffirms the principles, structures, and definitions governing regulatory review that were established in Executive Order 12866, published September 30, 1993. Executive Order 13563, issued January 18, 2011, notes that our nation's current regulatory system must not only protect public health, welfare, safety, and our environment but also promote economic growth, innovation, competitiveness, and job creation.[6] Further, this executive order urges government agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. In addition, Federal agencies are asked to periodically review existing significant regulations; retrospectively analyze rules that may be outmoded, ineffective, insufficient, or excessively burdensome; and modify, streamline, expand, or repeal regulatory requirements in accordance with what has been learned.

Executive Order 13610 ("Identifying and Reducing Regulatory Burdens"), issued May 10, 2012, urges agencies to conduct retrospective analyses of existing rules to examine whether they remain justified or whether they should be modified or streamlined in light of changed circumstances, including the rise of new technologies.[7]

By building off of each other, these three Executive Orders require agencies to regulate in the "most cost-effective manner," to make a "reasoned determination that the benefits of the intended regulation justify its costs," and to develop regulations that "impose the least burden on society."

The PHMSA believes that if the 2015 editions of *Section XII* and the *NBIC* are incorporated as alternatives to *Section VIII, Division 1* and the HMR, transport tank manufacturers and owners would be provided with more flexibility and freedom of choice regarding material of construction and design for new construction, allowing for lighter-weight, higher-capacity tanks capable of transporting more material per shipment. Transport tanks built to *Section XII* will have been examined by certified inspectors to ensure that they withstand conditions and stresses unique to transportation, such as rollovers, bottom damage, or piping damage. Furthermore, we believe the flexibility in selection of the ASME standard of construction will facilitate international competitiveness for the transport of hazardous materials; this flexibility will also eliminate barriers for U.S. manufacturers transporting goods internationally that have been caused by the inflexible material construction requirements in *Section VIII, Division 1* and the HMR. Further, the ASME standards have been deemed equivalent by PHMSA technical staff and have been proven to provide, through special permits, an equivalent level of safety to that of transport tanks constructed and designed according to the specifications currently provided in the HMR.

The overall costs and benefits associated with this SNPRM and the supporting calculations are included in the supplement to the NPRM regulatory impact analysis (RIA) provided in the docket for this rulemaking. For specific responses to comments received to the NPRM please see Section III of this document. Below is a brief summary of the affected entities, as well as the costs and benefits of this SNPRM:

Costs

The majority of the new costs that would result from the optional use of the IBR of the 2015 edition of ASME *Section XII* and the *NBIC* are due to training and certification of stakeholders on the requirements of the updated codes. There are three primary groups of affected entities: (1) Manufacturers of tanks; (2) non-manufacturers (*e.g.,* repair firms); and (3) inspectors. Using industry employment and wage data from the U.S. Department of Labor, we estimated the number of transport tank manufacturing firms, non-manufacturing firms involved in the repair and maintenance of tanks, and tank inspectors in the United States. The new costs to each of the three stakeholder groups are described below.

1. Manufacturers

Using data from the Bureau of Labor Statistics (BLS), the Steel Tank Institute (STI), the Pressure Vessel Manufacturers Association (PVMA), and ASME's Pressure Vessel Manufacturer Members, we estimate that there are 290 manufacturers of portable tanks, ton tanks, and CTMVs. Collectively, these firms employ approximately 8,889 individuals directly involved in production and maintenance of transport tanks (*e.g.,* boilermakers, mechanical engineers, production occupations, mechanical drafters, industrial production managers, commercial and industrial designers, and mechanical engineering technicians).[8] Each manufacturer would be required to purchase a copy of the *Section XII* code and manufacturing employees would need to take ASME's online training course, both of which would impose costs.

New vessels manufactured under *Section XII* would be required to hold an ASME "T" stamp of authorization, and repairs or alterations to these vessels must be performed by a holder of a "TR" Certificate of Authorization (although ASME may opt to not utilize this "TR" stamp and just require the current "R" stamp that is required). This is an alternative to manufacturing, repairing, and altering under the *Section VIII* code, where transport tanks have ASME "U" stamps and repairs and authorizations are made by holders of an "R" Certificate of Authorization. Purchase of this stamp is another source of costs. The costs and the calculations supporting them are included in the supplement to the NPRM RIA provided in the docket for this rulemaking.

2. Non-Manufacturers

Using data from the BLS, we estimate there are 3,863 non-manufacturers, collectively employing 6,839 individuals directly engaged in the repair, maintenance, and alteration of transport tanks or performing associated design and supervision tasks. Non-manufacturers include repair and maintenance firms of pressure vessels. All repair firms would be required to purchase a copy of both ASME *Section XII* and the *NBIC* which would impose a cost. In addition, non-manufacturers that repair or alter tanks would be required to change the scope of their existing "R" Certificate of Authorization or obtain a "TR" certificate from the National Board, which would impose a cost. These costs and the calculations supporting them are included in the supplement to the NPRM RIA provided in the docket for this rulemaking.

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[6] See *http://www.whitehouse.gov/the-press-office/2011/01/18/improving-regulation-and-regulatory-review-executive-order.*

[7] See *http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/pdf/2012-11798.pdf.*

[8] U.S. Bureau of Labor Statistics, Occupational Employment Statistics, May 2011. *http://www.bls.gov/oes/current/oes111021.htm.*

3. Inspectors

Tank inspectors include third-party inspectors, owner-user inspectors, chief boiler inspectors, and public inspectors. Data from the National Board of Boiler and Pressure Vessel Inspectors indicate that there are 41 authorized third-party agencies.[9] Assuming there is an average of 10 inspectors at each agency, we estimate that there are approximately 410 third-party inspectors in the United States. In addition, the National Board of Boiler and Pressure Vessel Inspectors show that there are 69 owner-user inspector organizations, which are defined as "owner-user[s] of pressure equipment that [maintain] an established inspection program and whose organization and inspection procedures meet the requirements of NB–371, Accreditation of Owner-User Inspection Organization."[10] Also, using data from the Department of Labor, we estimate that there are 549 public inspectors by applying the average figure for boiler inspectors per 100,000 capita from the 2010 economic census to estimate the number of public boiler inspectors in each state. Incorporating by reference *Section XII* and the *NBIC* will require inspection services to use the *NBIC* classifications of Authorized Inspectors (AIs) and Certified Individuals (CIs). Third-party and chief boiler inspectors would need to complete *NBIC* training to become familiar with the *Section XII* standards. These classifications and trainings would impose some costs on inspectors. These costs and the calculations supporting them are included in the supplement to the NPRM RIA provided in the docket for this rulemaking.

Benefits

Based on the information presented in the "Section XII Code Differences" document, there are several opportunities for cost savings if the 2015 editions of *Section XII* and the *NBIC* are incorporated. There are three differing aspects of tank design requirements between *Section VIII, Division 1* and *Section XII:* (1) The required tensile strength margin is reduced from 4.0 to 3.5; (2) a new rational design to reduce shell and head thickness is allowed; and (3) tanks are allowed to be used until they reach the minimum allowed thickness, which increases tanks' useful lives. These benefits and the calculations supporting them are included in the supplement to the NPRM RIA provided in the docket for this rulemaking.

Conclusion

As this SNPRM authorizes the voluntary use of the 2015 editions of *Section XII* and the *NBIC*, a range of costs and benefits (as seen in Table 4 below) were derived based on differing percentages of implementation. The overall costs and benefits, and the calculations supporting them, are included in the supplement to the NPRM RIA provided in the docket for this rulemaking. In addition, this document also includes a sensitivity analysis that varies a number of factors.

TABLE 4—NET BENEFIT ESTIMATES

	Estimate
Annualized Benefits and Costs	
Estimated Benefits	$18,006,640 (low) to $21,598,728.37 (high).
Estimated Costs	$10,167,783 (low) to $15,480,558 (high).
Net	$2,526,082 (low) to $11,430,946 (high).
Annualized per Tank Benefits and Costs	
Estimated Benefits	$76 (low) to $91 (high).
Estimated Costs	$43 (low) to $77 (high).
Net	$10 (low) to $48 (high).

C. Executive Order 13132

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism") and the President's memorandum ("Preemption") that was published in the **Federal Register** on May 22, 2009 [74 FR 24693]. This proposed rule will preempt State, local, and Indian tribe requirements but does not propose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal Hazardous Materials Transportation Law, 49 U.S.C. 5101–5128, contains an express preemption provision (49 U.S.C. 5125 (b)) that preempts State, local, and Indian tribe requirements on the following subjects:

(1) The designation, description, and classification of hazardous materials;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This proposed rule addresses packaging for hazardous materials. If adopted as final, this rule will preempt any State, local, or Indian tribe requirements concerning packaging for hazardous materials unless the non-Federal requirements are "substantively the same" as the Federal requirements. Furthermore, this proposed rule is necessary to update, clarify, and provide relief from regulatory requirements.

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[9] The National Board of Boiler and Pressure Vessel Inspectors—New Construction Authorized Inspection Agencies Listing *http://www.nationalboard.org/Index.aspx?pageID=66&ID=122* and The National Board of Boiler and Pressure Vessel Inspectors—Inservice Authorized Inspection Agencies Listing *http://www.nationalboard.org/Index.aspx?pageID=66&ID=123.*

[10] National Board of Boiler and Pressure Vessel Inspectors—Owner-User Inspection Organizations *http://www.nationalboard.org/Index.aspx?pageID=67.*

Incorporation of new consensus standards by reference in the HMR may impact state and local CTMV enforcement programs. Potential impacts include the cost of purchasing the new *Section XII* standards and the training of employees. However, PHMSA notes that many state enforcement personnel are not currently equipped with *Section VIII, Division 1* and must use outside sources to reference this standard. It is our understanding that during roadside inspections, state officials are most often concerned with identifying that the ASME mark is intended for the packaging on which it is stamped. This would not require state governments to purchase copies of *Section XII* for every state trooper. Rather, the most in-depth inspection performed on a tank is handled by an independent third-party inspector, typically a National Board-commissioned inspector from an insurance company. This would also apply to the repair of the ASME packaging using the *NBIC,* which also requires a marking. Furthermore, as engineers at PHMSA were instrumental in developing *Section XII* and the *NBIC,* they understand them and are available to help interpret the standards. As with other highly technical or scientific standards that we incorporate in the HMR, PHMSA's Hazardous Materials Information Center staff will have access to the engineers who helped develop the standards. We invite State and local governments with an interest in this rulemaking to comment on any revisions to the HMR in hopes to address the issues that this proposed rule may cause.

D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). The PHMSA is not aware of any significant or unique affects or substantial direct compliance costs on the communities of the Indian tribal governments from proposals in this rulemaking. Therefore, we conclude that the funding and consultation requirements of Executive Order 13175 do not apply. However, we invite Indian tribal governments to provide comments should they believe there will be an impact.

E. Regulatory Flexibility Act, Executive Order 13272, and DOT Regulatory Policies and Procedures

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. This notice has been developed in accordance with Executive Order 13272 ("Proper Consideration of Small Entities in Agency Rulemaking") and DOT's Policies and Procedures to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.

The adoption of *Section XII* will not have a significant impact on a substantial number of small entities, or even any foreseeable impact on small businesses, given that the provisions proposed under this supplemental notice are optional. Furthermore, PHMSA reviewed the safety records of both transport tanks constructed under the current method of construction authorized under the HMR and transport tanks constructed to ASME *Section XII* under special permits and found no differences in the safety record between the two methods of construction.

We estimate that there are approximately 5,200 businesses likely to be affected by this rule. The Small Business Administration (SBA) uses industry-specific standards to estimate which of those are "small businesses." The PHMSA assumes that a significant number of businesses within the regulatory scope (nearly all) are small.

Based on our analysis, the three major industries—manufacturers, third-party inspection agencies, and tank repair services—could, at their discretion, conform to the new standards. Manufacturers could introduce new materials; third-party inspectors could conduct more current, meaningful tests that are relevant to more transport specific designs; and tank repair services could expand to accommodate the new standards.

Based on the expected service life of a transport tank of 30 years, we assume that only 1/30 of all transport tanks will be replaced each year. Given the optional nature of this rule, the newly constructed tanks will consist of some combination of *Section XII* transport tanks and some *Section VIII, Division 1* transport tanks. A manufacturer will build tanks according to demand, including price. At the same time, we believe repairers and inspectors will be able to adjust and accommodate the small number of *Section XII* transport tanks entering the market each year.

Based upon our above-mentioned 5,200 estimated businesses and assumptions, PHMSA certifies that the proposals in this SNPRM will not have a significant economic impact on a substantial number of small entities. In this notice, PHMSA is soliciting further comment on this conclusion that the proposals in this SNPRM will not cause a significant economic impact on a substantial number of small entities.

F. Paperwork Reduction Act

Section 1320.8(d), Title 5, Code of Federal Regulations requires that PHMSA provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. The recordkeeping requirements in *Section XII* and the *NBIC* are analogous; thus, the recordkeeping costs of complying with *Section XII* and the *NBIC* are no different than those required under the current regulatory scheme. Moreover, we believe the recordkeeping requirements of *Section XII* and *NBIC* (specifically *Supplement 6*) are more straightforward.

G. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

H. Unfunded Mandates Reform Act

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $141,300,000 or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and it is the least burdensome alternative that achieves the objective of the rule.

I. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321–4347), and implementing regulations by the Council on Environmental Quality (CEQ) (40 CFR part 1500) require Federal agencies to consider the consequences of Federal actions and prepare a detailed statement on actions that significantly affect the quality of the human environment.

The CEQ regulations order Federal agencies to conduct an environmental assessment considering the following: (1) The need for the proposed action, (2) alternatives to the proposed action, (3) probable environmental impacts of the proposed action and alternatives, and (4) the agencies and persons consulted during the consideration process (see 40 CFR 1508.9(b)).

1. Need for the Proposal

The PHMSA is proposing this rulemaking to IBR the 2015 editions of *Section XII* and the *NBIC* to provide greater flexibility in the manufacture and repair of authorized transport tanks by authorizing manufacture-to-industry standards (*i.e., ASME Section XII* developed specifically with transportation in mind).

2. Alternatives Considered

The PHMSA is considering the following alternatives:

- —Alternative 1 is to take no action;
- —Alternative 2 is to IBR *Section XII* and *NBIC* (including *Supplement 6*) and mandate its use by removing *Section VIII, Division 1;*
- —Alternative 3 is to IBR *Section XII* and allow use of *Section XII* as an alternative construction standard to *Section VIII, Division 1* and the HMR. Use of the *NBIC* for continued service *Section VIII, Division 1* would be optional, while use of the *NBIC* for continued service of *Section XII* transport tanks would be required; and
- —Alternative 4 is to allow use of the *Section XII* standards through Special Permit.

Each alternative presented represents different levels of adoption of *Section XII*, from Alternative 1 (0%) to Alternative 2 (100%). Alternatives 3 and 4 may result in a distribution of use between these extremes. It is difficult to find a firm basis to project future market activity—*i.e.*, to calculate the expected distribution of transport tank manufacture between the two standards. However, PHMSA believes that the IBR of *Section XII* would provide an opportunity for savings to both the manufacturer and the user of the tanks.

Alternative 1: No action. For this alternative, the HMR would remain unchanged. This is not the preferred alternative. This alternative maintains the status quo both for the construction and design of *Section VIII, Division 1* CTMVs, cryogenic portable tanks, and ton tanks and for the continued service transport under Part 180 (including the 1992 edition of the *NBIC* for CTMVs). Though *Section VIII, Division 1* sets forth detailed criteria for the design, construction, certification, and marking of stationary boilers and pressure vessels, it does not account for the unique conditions and stresses encountered in the transportation environment. The HMR addresses this deficiency by adding requirements to account for conditions and stresses likely to occur in transportation. This alternative would not impose any costs, but it would prevent the opportunity to realize any gains in efficiency.

Alternative 2: IBR and require use of both Section XII and NBIC and remove Section VIII, Division 1. This is not the preferred alternative either. This alternative would require transport tanks to be built to transport-specific design standards, thus improving efficiencies through greater design flexibility and variety in material of construction. This alternative would likely lead to less fuel consumption because of larger tank capacities, and *Section XII* would also provide for more uniform enforcement over time. However, implementing this alternative may preclude a normal market-based transition from one standard to another, and complying with new standards would effectively force manufacturers to make such a transition regardless of costs associated with equipment investments and personnel changes. Many commenters expressed concern that imposing new ASME construction standards would unduly burden them either immediately or in the future, and without recourse. Costs would include the purchase of *Section XII* and the *NBIC*, stamp certification, and familiarization training.

Alternative 3: IBR and authorize use of Section XII as an alternative to Section VIII, Division 1, and use of the NBIC for continued service, as applicable. This option is the preferred alternative because it would provide regulatory flexibility without diminishing current safety standards or imposing burdensome costs. Specifically, it would provide more freedom for the marketplace with respect to the construction of transport tanks, while at the same time providing for pressure vessel options geared towards the transport environment. Furthermore, this alternative would authorize the use of the 2015 edition of the *NBIC* as it applies to existing tanks and would require its use for those transport tanks built to *Section XII*, as required by *Section XII.*

Alternative 4: Allow use of Section XII through special permit application. For this alternative, the HMR would also remain unchanged. This is not the preferred alternative. This alternative presents the option to produce, use, and maintain transport tanks manufactured to *Section XII* through a special permit. The PHMSA would allow technological advancement yet also maintain some oversight over the manufacture of these transport tanks. The PHMSA has already issued two special permits related to *Section XII.* This option would require positive action by manufacturers to apply for a special permit. While this may be a more cautious approach, under this option each special permit application would require technical drawings and incur the costs and administrative burdens associated with special permit requests, including the factual analysis required and "party-to" applications. The PHMSA estimates that the typical special permit application costs $45 to the applicant and $3,000 for us to evaluate.

The PHMSA is proposing Alternative 3, as it was found to be optimal. Benefits associated with the rule include lower manufacturing costs and higher capacities for shippers. Costs to industry are minimal and incurred only when the manufacturer decides to build tanks to the *Section XII* standards.

3. Environmental Consequences

When developing potential regulatory requirements, PHMSA evaluates the requirements to consider the environmental impact. Specifically, PHMSA evaluates the following: The risk of release and resulting environmental impact; the risk to human safety, including any risk to first responders; the longevity of the packaging; and the circumstances in which the regulations would be carried out (*i.e.*, the defined geographic area, the resources, any sensitive areas) and how they could thus be impacted.

The non-editorial proposed provisions of this SNPRM are discussed in further detail and evaluated based on their overall environmental impact, as follows:

Environmental benefits result from fewer trips for CTMVs, cryogenic portable tanks, and ton tanks used to transport the same quantities of hazardous materials, because of greater capacities. In most cases, due to alternative materials of construction, the thickness of the tank shells can be reduced, permitting more material to be hauled and reducing the number of trips needed to handle the same volume of product. For example, an MC 331 propane tank manufactured according to *Section XII* would have a 12.5 percent reduction in wall thickness when compared to *Section VIII, Division 1.* This reduction would lead to at least a 2 percent increase in product capacity while maintaining the current level of safety. As supported by the studies referenced in the December 30, 2013 NPRM and based on the analysis of both sections of the ASME code, PHMSA asserts that despite the reduction in the design margin, the standards provide an equivalent level of safety. Because the proposed alternatives would provide the same level of safety, the expectation is that the risk of incidents is reduced proportionally to the reduction of vehicle trips to move authorized packaging.

4. Federal Agencies Consulted

In an effort to ensure all appropriate Federal stakeholders are provided a chance to provide input on potential rulemaking actions, PHMSA, as part of its rulemaking development, consults other Federal agencies that could be potentially affected. In developing this rulemaking action, PHMSA consulted the Federal Motor Carrier Safety Administration (FMCSA), Federal Railroad Administration (FRA), Environmental Protection Agency (EPA), and Occupational Safety and Health Administration (OSHA).

5. Conclusion

This SNPRM proposes to IBR *Section XII* and the *NBIC* as alternatives to *Section VIII, Division 1* and the HMR. As discussed above, PHMSA believes these standards provide an equivalent level of safety and the proposals in this SNPRM are environmentally neutral. In fact, depending on the level of usage of *Section XII* and subsequent reduction of the number of tanks needed to handle the same volume of product, this rule may prove environmentally beneficial over time. However, PHMSA welcomes any data, information, or comments related to environmental impacts that may result from the proposal discussed in this notice.

J. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or you may visit *http://www.dot.gov/privacy.*

K. International Trade Analysis

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The PHMSA participates in the establishment of international standards in order to protect the safety of the American public, and we assess the effects of any rule to ensure that it does not exclude imports that meet this objective. *Section XII* is written using terminology compatible with international standards such as the *UN Recommendations* and International Maritime Dangerous Goods Code. The intent is for the standards to be used globally, and several foreign manufacturers already possess the "T" stamp certification indicating the ability to manufacture transport tanks in accordance with the updated section of the code. Furthermore, one of the transport tanks that can be constructed in accordance with *Section XII* is a UN T75 cryogenic portable tank. Accordingly, incorporating *Section XII,* and the companion *NBIC,* as alternatives to *Section VIII, Division 1* and the HMR would be consistent with PHMSA's obligations under the Trade Agreement Act, as amended.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ 1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–121 sections 212–213; Pub. L. 104–134 section 31001; Pub. L. 112–141 section 33006, 33010; 49 CFR 1.81 and 1.97.

■ 2. In § 107.307, revise the paragraph (a) introductory text to read as follows:

§ 107.307 General.

(a) When the Associate Administrator and the Office of Chief Counsel have reason to believe that a person is knowingly engaging or has knowingly engaged in conduct which is a violation of the Federal Hazardous Material Transportation Law or any provision of this subchapter or subchapter C of this chapter, or any standard incorporated by reference in subchapter C of this chapter, or any exemption, special permit, or order issued thereunder, for which the Associate Administrator or the Office of Chief Counsel exercise enforcement authority, they may—

* * * * *

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 3. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–134, section 31001; 49 CFR 1.81 and 1.97.

■ 4. In § 171.7,
■ a. Redesignate paragraph (g)(2) as (g)(3);
■ b. Add new paragraph (g)(2); and
■ c. Revise paragraph (x)(2).
The amendments read as follows:

§ 171.7 Reference material.

* * * * *

(g) * * *

(2) 2015 ASME Boiler and Pressure Vessel Code (ASME Code Section XII), 2015 Edition, July 1, 2015 (as follows), into §§ 173.14, 178.278, 178.301, 179.302:

(i) Section XII—Rules for Construction and Continued Service of Transport Tanks.

(3) ASME B31.4–2012, Pipeline Transportation Systems for Liquids and Slurries, November 12, 2012, into § 173.5a.

* * * * *

(x) * * *

(2) 2015 National Board Inspection Code (NBIC), A Manual for Boiler and Pressure Vessel Inspectors, 2015 Edition, into §§ 173.14, 178.278, 178.301, 179.302, 180.402, 180.502, 180.602:

(i) Supplement 6, Continued Service and Inspection of DOT Transport Tanks, 2015 Edition.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 5. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 6. Add § 173.14 to read as follows:

§ 173.14 Authorization and conditions for the use of ASME Code Section XII.

This section authorizes, with certain conditions and limitations, the use of ASME Code Section XII (IBR, see § 171.7) for the construction and continued service of cargo tank motor vehicles, cryogenic portable tanks, and multi-unit tank car tanks (ton tanks). The following table presents the transport tanks authorized for construction using ASME Code Section XII.

AUTHORIZED SPECIFICATION PACKAGING USING SECTION XII

Tank type	Specification
Cargo Tank Motor Vehicles (CTMVs).	MC 331, 338, and DOT 406, 407, and 412.
Cryogenic Portable Tanks.	UN T75.
Ton Tanks	DOT–106A and 110AW.

Conditions and limitations on the use of the ASME Code Section XII for design, construction, qualification and certification, and maintenance are as follows—

(a) *All tank types.* (1) Use of ASME Code Section XII for design, construction, qualification, and certification of authorized packaging includes use of ASME Code Sections II (Materials), Section V (Nondestructive Examination); Section VIII (Rules for Construction of Pressure Vessels), Division 1 for parts only, and Division 2 for fatigue analysis only; and Section IX, (Welding, Brazing, and Fusing Qualifications);

(2) Continuing qualification and maintenance of cargo tank motor vehicles, cryogenic portable tanks, and ton tanks must be in accordance with the NBIC and Supplement 6 (IBR, see § 171.7) in conjunction with ASME Code Section XII as authorized in part 180 of this subchapter;

(3) Nameplate character markings must be a minimum 4 mm (5/32"), markings directly on the tank must be a minimum 8 mm (5/16");

(4) Periodic test information is not permitted on the ASME nameplate. Marking must be in accordance with the Supplement 6;

(5) A person performing a certification inspection (*i.e.*, an inspector) must be qualified in accordance with ASME Code Section XII under its general rules for inspection (Article TG–4), and hold either a current National Board of Boiler and Pressure Vessel Inspectors (National Board) commission and endorsement of the ASME tank class (*e.g.*, Class 3 for DOT 406 cargo tanks) for the type of inspection to be performed or, when applicable, a certification (in accordance with the NBIC) from his or her employer. Inspectors of cargo tanks, or their employer, must be registered with DOT in accordance with 49 CFR part 107, subchapter F; Inspectors of cryogenic portable tanks and ton tanks need to be registered with DOT through approval by the Associate Administrator prior performing inspection duties;

(6) A person (*e.g.*, a facility) performing repairs on a cargo tank authorized under this section must hold a current National Board certificate of authorization for the use of the National Board "TR" or "R" stamp. Persons, or the employer, performing repairs on cargo tanks must also be registered with DOT in accordance with 49 CFR part 107, subchapter F; Repairers of cryogenic portable tanks and ton tanks must obtain prior approval from the Associate Administrator to make repairs.

(b) *Cargo tank motor vehicles.* A cargo tank motor vehicles must conform to all applicable requirements of this part, and must meet to ASME Code Section XII, Modal Appendix 1 (for cargo tanks), all Mandatory Appendices and Non Mandatory Appendices, except as follows:

(1) For MC 338 Cargo Tanks, ASME Code Section XII, Modal Appendix 1, Article 4, paragraph 1–4.4(g)(6) does not apply. A minimum jacketed thickness of 2.4 mm (0.0946 in) 12 gauge in the reference metal is permitted.

(c) *Cryogenic portable tanks.* Cryogenic portable tanks must conform to all applicable requirements of this part, and must meet ASME Code Section XII, Modal Appendix 3, Article 1, all Mandatory Appendices and Non Mandatory Appendices, except as follows:

(1) An inspector must perform external and internal visual inspection in accordance with Supplement 6 (IBR, see § 171.7) in addition to ASME Code Section XII, Modal Appendix 3, Article 1, paragraph 3–1.10(b), and Article 1, 3–1.10(b)(5);

(2) ASME Code Section XII, Modal Appendix 3, Article 1, paragraph 3–1.10(b)(6) does not apply; and

(3) Records must be kept in accordance with the Supplement 6, as applicable.

(d) *Ton tanks.* Ton tanks must conform to all applicable requirements of this part and must meet ASME Section XII, Modal Appendix 4, Article 1, all Mandatory Appendices and Non Mandatory Appendices, except as follows:

(1) ASME Code Section XII, Modal Appendix 4, Article 1, paragraph 3–1.10 does not apply. Manufacturer-certified fusible plugs, tested and qualified under the fuse plug manufacturers' written quality control system must be used;

(2) Notwithstanding ASME Code Section XII, Modal Appendix 4, Article 1, paragraph 4–8, non-ASME marked fusible plugs are authorized;

(3) Per ASME Code Section XII, Modal Appendix 4, Article 1, paragraph 4–12(a), an inspector must perform an external and internal visual inspection in accordance with NBIC Supplement 6;

(4) Records must be kept in accordance with the Supplement 6, as applicable; and

(5) A ton tank that fails a prescribed test or inspection must be repaired in accordance with NBIC or removed from service.

PART 178—SPECIFICATIONS FOR PACKAGINGS

■ 7. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 49 CFR 1.81, 1.96 and 1.97.

■ 8. Add § 178.278 to read as follows:

§ 178.278 Alternative requirements for the design, construction, inspection and testing of portable tanks intended for the transportation of refrigerated liquefied gases.

Notwithstanding the requirements of §§ 178.274 and 178.277 of this subpart, UN T75 cryogenic portable tanks may be designed, constructed, inspected (*i.e.,* certified) and tested in accordance with ASME Code Section XII (IBR, see § 171.7) in conjunction with the NBIC and Supplement 6 (IBR, see § 171.7), and in accordance with the conditions and limitations of § 173.14 of part 173 of this subchapter.

■ 9. Add § 178.301 to read as follows:

§ 178.301 Alternative requirements for the design, construction, inspection and testing of cargo tank motor vehicles.

Notwithstanding the requirements of this subpart, cargo tank motor vehicles Specification MC 331, 338, and DOT 406, 407, or 412 may be designed, constructed, inspected (*i.e.,* certified) and tested in accordance with ASME Code Section XII (IBR, see § 171.7) in conjunction with the NBIC and Supplement 6 (IBR, see § 171.7), and in accordance with the conditions and limitations of § 173.14 of part 173 of this subchapter.

PART 179—SPECIFICATIONS FOR TANK CARS

■ 10. The authority citation for part 179 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 49 CFR 1.81 and 1.97.

■ 11. Revise § 179.302 to read as follows:

§ 179.302 Alternative requirements for the design, construction, inspection and testing of multi-unit tank car tanks (Classes DOT–106A and 110AW).

Notwithstanding the requirements of this subpart, Class DOT–106A and 110AW multi-unit tank car tanks may be designed, constructed, inspected (*i.e.,* certified) and tested in accordance with ASME Code Section XII (IBR, see § 171.7) in conjunction with the NBIC and Supplement 6 (IBR, see § 171.7), and in accordance with the conditions and limitations of § 173.14 of part 173 of this subchapter.

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

■ 12. The authority citation for part 180 is revised to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 13. Add § 180.402 to read as follows:

§ 180.402 Alternative qualification and maintenance.

Notwithstanding the applicability of § 180.401 and the requirements of § 180.413 (for ASME Code Section VIII, Division 1 cargo tanks) of this subpart for the continuing qualification and maintenance of an authorized specification cargo tank motor vehicle, and subject to conditions and limitations set forth in § 173.14 of part 173, the NBIC (IBR, see § 171.7)—

(a) Must be used, with Supplement 6 (IBR, see § 171.7), for the continuing qualification, maintenance, or periodic testing (*i.e.,* continued service) of cargo tanks constructed to ASME Code Section XII in accordance with § 178.301 of this subchapter; and

(b) May be used, in combination with the requirements of this part, for the continuing qualification, maintenance, or periodic testing (*i.e.,* continued service) of cargo tank motor vehicles constructed to ASME Code Section VIII, Division 1. Specifically, DOT specification cargo tank motor vehicles constructed to ASME Section VIII, Division 1 that bear a U stamp may be inspected, repaired and tested under part 180, subpart E and the NBIC.

■ 14. Add § 180.502 to read as follows:

§ 180.502 Alternative qualification and maintenance.

Notwithstanding the applicability of § 180.501 of this subpart for the qualification and maintenance of multi-unit tank car tanks, and subject to conditions and limitations set forth in § 173.14 of part 173, the NBIC and Supplement 6 (IBR, see § 171.7), must be used for the continuing qualification, maintenance, or periodic testing (*i.e.,* continued service) of Class DOT–106A and 110AW multi-unit tank car tanks constructed to ASME Code Section XII in accordance with § 179.302 of part 179 of this subchapter.

■ 15. Add § 180.602 as follows:

§ 180.602 Alternative qualification and maintenance.

Notwithstanding the applicability of § 180.601 of this subpart for the continuing qualification, maintenance or periodic testing of portable tanks, and subject to conditions and limitations set forth in § 173.14 of part 173, the NBIC and Supplement 6 (IBR, see § 171.7) must be used for the continuing qualification, maintenance, or periodic testing (*i.e.,* continued service) of cryogenic portable tanks constructed and qualified to ASME Code Section XII in accordance with § 178.278 of part 178 of this subchapter.

Issued in Washington, DC, on April 22, 2016, under authority delegated in 49 CFR 1.97.

William S. Schoonover,

Deputy Associate Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2016–09919 Filed 4–28–16; 8:45 am]

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Notices

Federal Register
Vol. 81, No. 83
Friday, April 29, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0019]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Scrapie in Sheep and Goats; Interstate Movement Restrictions and Indemnity Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the current regulations for the interstate movement of sheep and goats and an indemnity program to control the spread of scrapie.

DATES: We will consider all comments that we receive on or before June 28, 2016.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0019.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2016–0019, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0019* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the domestic regulations to control the spread of scrapie, contact Dr. Diane Sutton, National Scrapie Program Coordinator, Sheep, Goat, Cervid & Equine Health Center, Surveillance, Preparedness and Response Services, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737; (301) 851–3509. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

SUPPLEMENTARY INFORMATION:

Title: Scrapie in Sheep and Goats; Interstate Movement Restrictions and Indemnity Program.

OMB Control Number: 0579–0101.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to prohibit or restrict the interstate movement of animals and animal products to prevent the dissemination within the United States of animal diseases and pests of livestock and to conduct programs to detect, control, and eradicate pests and diseases of livestock.

Scrapie is a progressive, degenerative, and eventually fatal disease affecting the nervous system of sheep and goats. Its control is complicated because the disease has an extremely long incubation period without clinical signs of disease and no known treatment.

APHIS regulations in 9 CFR part 79 restrict the interstate movement of certain sheep and goats to control the spread of scrapie, and 9 CFR part 54 contains regulations for an indemnity program, flock cleanup, testing, and a Scrapie Flock Certification Program (SFCP).

The scrapie disease control program information collection activities include cooperative agreements; grants; memorandums of understanding; APHIS forms for inspection and epidemiology data; applications to participate in the SFCP; flock plans; post-exposure management and monitoring plans; record suspect/dead animals; scrapie test records; applications for indemnity payments; certificates, permits, and owner statements for the interstate movement of certain sheep and goats; applications for premises identification numbers; applications for official APHIS identification; designated scrapie epidemiologist training; and other program-related activities.

In addition, we are adding information collection activities that were previously overlooked as being part of the current domestic scrapie program[1] that include State responses associated with certificates of veterinary inspection, private laboratory requests for approval, responses by breed registry associations, epidemiology and identification compliance reporting, declination to respond, certification of completion of epidemiology training, and disposal cost information. We have adjusted the estimates of burden accordingly. In addition, the adjusted estimates also reflect increases in identification tag orders and the number of specimen submissions per laboratory to better represent our current activities.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic,

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[1] This notice and the information collection activities described are for the current regulations and not the amendments to the regulations described in the proposed rule published September 10, 2015 (FR 54660–54692, APHIS–2007–0127).

mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1.19 hours per response.

Respondents: Flock owners; market owners, operators, or managers; dealers; slaughter plant owners, operators, or managers; feedlot owners, operators, or managers; tag manufacturers; managers of producer organizations; accredited veterinarians; and State animal health authorities.

Estimated annual number of respondents: 166,000.

Estimated annual number of responses per respondent: 5.

Estimated annual number of responses: 854,694.

Estimated total annual burden on respondents: 1,021,526 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response. Responses and respondents include recordkeeping and record keepers, respectively.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 25th day of April 2016.

Jere L. Dick,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2016–10122 Filed 4–28–16; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee Site; Federal Lands Recreation Enhancement Act (Title VIII, Pub. L. 108–447)

AGENCY: Carson National Forest, USDA Forest Service.

ACTION: Notice of new fee site.

SUMMARY: The Carson National Forest is proposing to charge a $175 fee for the overnight rental of the Aldo Leopold House and a $50 fee for the overnight rental of the Lagunitas Guard Station. Neither facility has been available for recreation use prior to this date. Rentals of other cabins in the Southwestern Region have shown that people appreciate and enjoy the availability of historic rental cabins. Funds from both the rentals will be used for the continued operation and maintenance of each of the facilities. These fees are only proposed and will be determined upon further analysis and public comment.

DATES: Send any comments about these fee proposals by August 2016 so comments can be compiled, analyzed and shared with a Recreation Resource Advisory Committee. Should the fee proposal move forward, both rentals will likely be available May 2017.

ADDRESSES: Forest Supervisor, Carson National Forest, 208 Cruz Alta Road, Taos, NM 87557.

FOR FURTHER INFORMATION CONTACT: Sharon Cuevas, Recreation Fee Coordinator, (505) 842–3235.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established.

This new fee will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Currently no Federal or State agencies in the state of New Mexico offer over-night rentals of this type. Arizona, the neighboring state in Region 3, provides several historic properties for public rental and that program has become very successful.

The house consists of a 4 bedroom Craftsman Style Bungalow home that was built by Aldo Leopold in 1912 when he was the new Forest Supervisor on the Carson National Forest for himself and his new wife Estella Luna Ortero Bergere. The Leopold House is located in the small village of Tres Piedras New Mexico and is a one and a half story home with a large front porch. The interior of the first floor has four rooms that include a dining room, kitchen, library and bedroom. A large stone fireplace is the focal point of the home. The upstairs of the home includes 3 bunk style bedrooms. The home was restored by volunteers and the Forest Service in 2005 and has running water, electricity, propane heat and is fully furnished.

The Lagunitas Guard Station is a small single room cabin located in a remote setting approximately 20 miles west of Tres Piedras New Mexico. It is a simple facility, with no electricity, trash service or running water. The Guard Station is located adjacent to the small primitive Lagunitas Campground and the Lagunitas Lakes. For those visitors willing to make the long drive, the setting will not disappoint.

A business analysis of the Aldo Leopold House and Lagunitas Guard Station has shown that people desire having this sort of recreation experience on the Carson National Forest. A market analysis indicates that the $175/per night fee for the Leopold House and $50/per night for the Lagunitas Guard Station is both reasonable and acceptable for this sort of unique recreation experience.

People wanting to rent either facility will need to do so through the National Recreation Reservation Service, at *www.recreation.gov* or by calling 1–877–444–6777. The National Recreation Reservation Service charges a $9 fee for reservations.

Dated: April 19, 2016.

James Duran,

Carson National Forest Supervisor.

[FR Doc. 2016–10039 Filed 4–28–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tahoe National Forest; Placer County, California; Squaw Valley to Alpine Meadows Base-to-Base Gondola Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: In September 2015, the Tahoe National Forest (TNF) accepted an application from Squaw Valley Ski Holdings, LLC which proposes to install, operate, and maintain an aerial ropeway system connecting the Squaw Valley and Alpine Meadows ski areas. This proposal also included an alteration to current avalanche mitigation techniques including the installation of Gazex® exploders. Implementation of the proposal would require an amendment to an existing Special Use Permit (SUP) issued for the operation and maintenance of Alpine Meadows Ski Area (Alpine Meadows). The proposal is consistent with Alpine Meadows' current Master Development Plan (MDP) and passed the screening criteria for consideration to use National Forest System (NFS) lands and amend the existing permit consistent with Forest Service land use regulations.

DATES: Comments concerning the scope of the analysis must be received by May 31, 2016. The draft environmental impact statement is expected in winter 2016 and the final environmental impact statement is expected in summer 2017.

ADDRESSES: Send written comments to: Eli Ilano, Tahoe National Forest Supervisor, c/o NEPA Contractor, P.O. Box 2729, Frisco, CO 80443. Comments may also be submitted on the project

Web site: *http://squawalpinegondola-eis.com/comment/*, or sent via email to *scoping_comment@squawalpinegondola-eis.com*. Two public meetings will be held on May 9, 2016 at the Resort at Squaw Creek, Monument Peak Room, 400 Squaw Creek Road, Olympic Valley, California. Additional information regarding the meetings is provided below in the "Scoping Process" section.

FOR FURTHER INFORMATION CONTACT: Additional information related to the proposed project can be obtained from the project Web site, *http://squawalpinegondola-eis.com/*, or by contacting Joe Flannery, Winter Sports Specialist. Mr. Flannery can be reached by phone at (530) 587–3558 extension 243 or by email at *jflannery@fs.fed.us*.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The TNF's purpose for the project is to improve developed winter recreation opportunities in the Scott Management Area, consistent with the 1990 Tahoe National Forest Land and Resource Management Plan as amended (Forest Plan). SUPs, and amendments to SUPs, are issued by the Forest Service and are required by law to be consistent with the Forest Plan. Desired future conditions for recreation management in the Forest Plan relevant to the project direct the Forest to "provide a variety of opportunities for developed and dispersed recreation experiences" (Forest Plan, p. V–5). The Alpine Meadows SUP is located in the Scott Management Area which allows for development of additional winter sports facilities and support services as part of the desired future condition of the management area (Forest Plan, p. V–446–449).

The TNF needs to respond to Squaw Valley Ski Holdings, LLC's land use application which proposes amendment of their SUP to improve connectivity between Alpine Meadows and Squaw Valley ski areas. The need for improved connectivity between the ski areas is based on a number of factors. The developed trail network at Squaw Valley has limited terrain suitable for beginners and teaching; Alpine Meadows has additional intermediate and beginner terrain. Squaw Valley has the majority of resort amenities (*e.g.*, accommodations, restaurants, shopping, entertainment, etc.); Alpine Meadows, in contrast, has limited amenities. While guests can currently access both ski areas on the same lift ticket, they must drive or shuttle between the two areas in order to access all the different terrain variety and/or amenities offered at both locations.

Proposed Action

The Proposed Action includes amendment of the Alpine Meadows Special Use Permit to authorize construction, operation and maintenance of the following proposed infrastructure and improvements: (1) Construction of a gondola connecting the ski and base areas of Alpine Meadows and Squaw Valley, and (2) installation of eight Gazex avalanche mitigation exploders (seven on NFS lands, one on private lands). Additional information and maps of this proposal can be found at: *http://squawalpinegondola-eis.com/*.

Responsible Official

The Responsible Official is the Tahoe National Forest Supervisor.

Nature of Decision To Be Made

The decision to be made is whether to authorize the Proposed Action as described above, to modify the project to meet the purpose and need while addressing issues raised in public scoping, or to take no action at this time.

Permits or Licenses Required

The project would require an amendment to the Alpine Meadows Special Use Permit, issued by the United States Forest Service.

In addition to analysis under the National Environmental Policy Act (NEPA), Placer County will prepare an Environmental Impact Report to analyze environmental impacts of the proposal pursuant to the California Environmental Quality Act (CEQA). The Forest Service and Placer County will coordinate the NEPA and CEQA analyses for consistency.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The Forest Service is soliciting comments from Federal, State and local agencies and other individuals or organizations that may be interested in or affected by implementation of the proposed project. Two public meetings will be held on May 9, 2016 to gather comments on the scope of the project. Both meetings will be held at the Resort at Squaw Creek, Monument Peak Room, 400 Squaw Creek Road, Olympic Valley, California. The first meeting will be held from 2:00–4:00 p.m. and the second will be held from 6:00–8:00 p.m. These meetings will be held jointly with Placer County regarding their analysis of the project under California Environmental Quality Act. Representatives from the TNF, Squaw Valley Ski Holdings, LLC, and Placer County will be present to answer questions and provide additional information on this project.

This project will be subject to 36 CFR 218 Project-level Predecisional Administrative Review Process (Parts A and B). Individuals and entities who have submitted timely, specific written comments regarding a proposed project or activity during public comment periods, including this 30-day public scoping period, may file an objection (36 CFR 218.5(a)). Written comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection (36 CFR 218.25(b)(2)). For purposes of meeting the 36 CFR 218.5 eligibility requirements, the public scoping period will end 30 days from the date the Notice of Intent is published in the **Federal Register**.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: April 19, 2016.

Eli Ilano,

Forest Supervisor, Tahoe National Forest.

[FR Doc. 2016–09672 Filed 4–28–16; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Bureau of the Census

National Advisory Committee

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (Census Bureau) is giving notice of a meeting of the National Advisory

Committee on Racial, Ethnic and Other Populations (NAC). The NAC will address policy, research, and technical issues relating to a full range of Census Bureau programs and activities, including communications, decennial, demographic, economic, field operations, geographic, information technology, and statistics. The NAC will meet in a plenary session on May 26–27, 2016. Last minute changes to the schedule are possible, which could prevent us from giving advance public notice of schedule adjustments. Please visit the Census Advisory Committees Web site for the most current meeting agenda at: *http://www.census.gov/cac/*. The meeting will be available via webcast at: *http://www.census.gov/newsroom/census-live.html http://www.ustream.tv/embed/6504322?wmode=direct*.

DATES: May 26–27, 2016. On May 26, the meeting will begin at approximately 8:30 a.m. and end at approximately 5:00 p.m. On May 27, the meeting will begin at approximately 8:30 a.m. and end at approximately 3:00 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau Auditorium, 4600 Silver Hill Road, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Tara Dunlop, Branch Chief for Advisory Committees, Customer Liaison and Marketing Services Office, *tara.t.dunlop@census.gov,* Department of Commerce, U.S. Census Bureau, Room 8H177, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–5222. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The NAC was established in March 2012 and operates in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10). NAC members are appointed by the Director, U.S. Census Bureau, and consider topics such as hard to reach populations, race and ethnicity, language, aging populations, American Indian and Alaska Native tribal considerations, new immigrant populations, populations affected by natural disasters, highly mobile and migrant populations, complex households, rural populations, and population segments with limited access to technology. The Committee also advises on data privacy and confidentiality, among other issues.

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on May 27. However, individuals with extensive questions or statements must submit them in writing to: *census.national.advisory.committee@census.gov* (subject line "May 2016 NAC Meeting Public Comment"), or by letter submission to Kimberly L. Leonard, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H179, 4600 Silver Hill Road, Washington, DC 20233.

If you plan to attend the meeting, please register by Tuesday, May 24, 2016. You may access the online registration from the following link: *http://www.regonline.com/nac_may2016Meeting*. Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Committee Liaison Officer as soon as known, and preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Topics to be discussed include the following items:

- 2020 Census Program Overview
- Tribal Enrollment Questions
- Tribal Consultations
- Working Groups Reports
  - Hard to Count Population Working Group
  - Integrated Partnership and Communication Working Group
- American Community Survey
- Big Data

Dated: April 25, 2016.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2016–10118 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security.

Title: Offsets in Military Exports.

Form Number(s): N/A.

OMB Control Number: 0694–0084.

Type of Request: Regular.

Burden Hours: 360 hours.

Number of Respondents: 30 respondents.

Average Hours per Response: 12 hours per response.

Needs and Uses: This collection of information is required by the Defense Production Act (DPA). The DPA requires U.S. firms to furnish information to the Department of Commerce regarding offset agreements exceeding $5,000,000 in value associated with sales of weapon systems or defense-related items to foreign countries or foreign firms. Offsets are industrial or commercial compensation practices required as a condition of purchase in either government-to-government or commercial sales of defense articles and/or defense services as defined by the Arms Export Control Act and the International Traffic in Arms Regulations. Such offsets are required by most major trading partners when purchasing U.S. military equipment or defense related items.

Affected Public: Businesses and other for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: April 26, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–10047 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Telecommunications and Information Administration.

Title: State and Local Implementation Grant Program Closeout Documentation.

OMB Control Number: None.

Form Number(s): None.

Type of Request: Regular submission (new collection).

Number of Respondents: 54.

Average Hours per Response: Final closeout report: 25 hours.

Burden Hours: 1,350.

Needs and Uses: The Middle Class Tax Relief and Job Creation Act of 2012 (Act, Pub. L. 112–96, 126 Stat. 156 (2012)) was signed by the President on February 22, 2012. The Act meets a long-standing priority of the Administration, as well as a critical national infrastructure need, to create a single, interoperable, nationwide public safety broadband network (NPSBN) that will, for the first time, allow police officers, fire fighters, emergency medical service professionals, and other public safety officials to effectively communicate with each other across agencies and jurisdictions. Public safety workers have long been hindered in their ability to respond in a crisis situation because of incompatible communications networks and often outdated communications equipment.

The Act establishes the First Responder Network Authority (FirstNet) as an independent authority within NTIA and authorizes it to take all actions necessary to ensure the design, construction, and operation of the NPSBN, based on a single, national network architecture.

The Act also charges NTIA with establishing a grant program, the State and Local Implementation Grant Program (SLIGP), to assist state, regional, tribal, and local jurisdictions with identifying, planning, and implementing the most efficient and effective means to use and integrate the infrastructure, equipment, and other architecture associated with the NPSBN to satisfy the wireless broadband and data services needs of their jurisdictions. NTIA will use the collection of information to ensure that SLIGP grant recipients are effectively monitored and evaluated against the core purposes of the program established by the Act. The information collection will ensure that final data is collected to effectively assess the success of SLIGP recipients in implementing their project goals.

The publication of this notice allows NTIA to begin the process to request approval for the standard three years. This request is a new information collection request.

Affected Public: State, regional, local, and tribal government organizations.

Frequency: Once.

Respondent's Obligation: Mandatory.

NTIA published a Notice in the **Federal Register** on February 17, 2016 soliciting comments on this information collection. NTIA did not receive any comments on this Notice.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: April 26, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–10035 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security.

Title: Simple Network Application Process and Multipurpose Application Form.

Form Number(s): N/A.

OMB Control Number: 0694–0088.

Type of Request: Regular.

Burden Hours: 31,833 hours.

Number of Respondents: 64,612 respondents.

Average Hours per Response: 0.49 hours per response.

Needs and Uses: Over the years, BIS has worked with other Government agencies and the affected public to identify areas where export licensing requirements may be relaxed without jeopardizing U.S. national security or foreign policy. Many of these relaxations have taken the form of licensing exceptions and exclusions. Some of these license exceptions and exclusions have a reporting or recordkeeping requirement to enable the Government to continue to monitor exports of these items. Exporters may choose to utilize the license exception and accept the reporting or recordkeeping burden in lieu of submitting a license application. These exceptions and exclusions have resulted in a large reduction of licensing burden in OMB Control No. 0694–0088 and allow exporters to ship items quickly, without having to wait for license approval. This has also created ten small collections involving these license exceptions and exclusions.

These collections are designed to reduce export licensing burden. It is up to the individual company to decide whether it is most advantageous to continue to submit license applications or to comply with the reporting or recordkeeping requirements and take advantage of the licensing exception or exclusion.

Affected Public: Businesses and other for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: April 26, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–10046 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security.

Title: License Exemptions and Exclusions.

Form Number(s): N/A.

OMB Control Number: 0694–0137.

Type of Request: Regular.

Burden Hours: 29,998 hours.

Number of Respondents: 19,738 respondents.

Average Hours per Response: 1.52 hours per response.

Needs and Uses: Over the years, BIS has worked with other Government agencies and the affected public to identify areas where export licensing requirements may be relaxed without jeopardizing U.S. national security or foreign policy. Many of these relaxations have taken the form of licensing exceptions and exclusions. Some of these license exceptions and exclusions have a reporting or recordkeeping requirement to enable the Government to continue to monitor exports of these items. Exporters may choose to utilize the license exception and accept the reporting or recordkeeping burden in lieu of submitting a license application.

These collections are designed to reduce export licensing burden. It is up to the individual company to decide whether it is most advantageous to continue to submit license applications or to comply with the reporting or recordkeeping requirements and take advantage of the licensing exception or exclusion.

Affected Public: Non-profit institutions; State, local, or tribal government; business or other for-profit organizations.

Frequency: On occasion

Respondent's Obligation: Mandatory

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OIRA *Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: April 26, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–10042 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Special Priorities Assistance

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 28, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, BIS ICB Liaison, (202) 482–8093, *Mark.Crace@bis.doc.gov*

SUPPLEMENTARY INFORMATION:

I. Abstract

The information collected from defense contractors and suppliers on Form BIS–999, Request for Special Priorities Assistance, is required for the enforcement and administration of special priorities assistance under the Defense Production Act, the Selective Service Act and the Defense Priorities and Allocation System regulation.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0057.

Form Number(s): BIS–999.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,200.

Estimated Time per Response: 30 minutes

Estimated Total Annual Burden Hours: 600.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 25, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–09987 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA339

Marine Mammals; File No. 15271

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that James T. Harvey, Moss Landing Marine Laboratories, 8272 Moss Landing Road, Moss Landing, CA 95039 has been issued a minor amendment to Scientific Research Permit No. 15271.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216), and the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The original permit (No. 15271), issued on March 25, 2011 (64 FR 18534), authorized Dr. Harvey to conduct research on blue (*Balaenoptera musculus*), fin (*B. physalus*), humpback (*Megaptera novaeangliae*), and gray (*Eschrichtius robustus*) whales through March 31, 2016. The minor amendment (No. 15721–01) extends the duration of the permit through March 31, 2017, but does not change any other terms or conditions of the permit.

Dated: April 21, 2016.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–10036 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE553

Presidential Task Force on Combating Illegal Unreported and Unregulated (IUU) Fishing and Seafood Fraud Action Plan for Implementing Recommendations 14/15; Commerce Trusted Trader Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The National Ocean Council Committee on IUU Fishing and Seafood Fraud (NOC Committee) is seeking public input on the design and implementation of a Commerce Trusted Trader Program as part of an effective seafood traceability process to combat IUU fishing and seafood fraud. The Commerce Trusted Trader Program will establish within the previously proposed Seafood Import Monitoring Program such benefits as reduced targeting and inspections, and enhanced streamlined entry into U.S. commerce for holders of an International Fisheries Trade Permit that are certified for participation in the Commerce Trusted Trader Program.

DATES: Comments must be received by June 28, 2016. Public webinars will take place from 2:00 to 3:30 p.m. eastern daylight time on May 4, 2016, 2:00 to 3:30 p.m. eastern daylight time on May 10, 2016, and 2:30 to 4:00 p.m. eastern daylight time on June 6, 2016.

ADDRESSES: You may submit comments on this document, identified by Docket NOAA–NMFS–2014–0090, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0090,* click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Melissa Beaudry, Quality Officer, Office of International Affairs and Seafood Inspection, 1315 East-West Highway, Suite 9511, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the comment period, may not be considered. All comments received are part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. Anonymous comments will be accepted (enter "N/A" in the required field if you wish to remain anonymous).

Information on joining the public webinars will be posted online at *www.iuufishing.noaa.gov/.*

FOR FURTHER INFORMATION CONTACT: Melissa Beaudry, Quality Officer, Office of International Affairs and Seafood Inspection; 301–427–8308.

SUPPLEMENTARY INFORMATION:

Background

On June 17, 2014, the White House released a Presidential Memorandum entitled "Establishing a Comprehensive Framework to Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud." Among other actions, the Memorandum established a Presidential Task Force on Combating Illegal, Unreported, and Unregulated (IUU) Fishing and Seafood Fraud (Task Force), co-chaired by the Departments of State and Commerce, with membership including a number of other Federal agency and White House Offices: The Departments of Agriculture, Defense, Health and Human Services, Homeland Security, Interior, and Justice; the Federal Trade Commission; the U.S. Agency for International Development; the Council on Environmental Quality; the Office of Science and Technology Policy; the National Security Council; and the Office of the U.S. Trade Representative.

The Task Force was directed to report to the President "recommendations for the implementation of a comprehensive framework of integrated programs to combat IUU fishing and seafood fraud that emphasizes areas of greatest need." Those recommendations were provided to the President through the National Ocean Council, and NMFS requested comments from the public on how to effectively implement the recommendations of the Task Force (79 FR 75536, December 18, 2014). Oversight for implementing the recommendations of the Task Force has been charged to the National Ocean Council Standing Committee on IUU Fishing and Seafood Fraud (NOC Committee). On March 15, 2015, the Task Force published its Action Plan for Implementing the Task Force Recommendations (*http://www.nmfs.noaa.gov/ia/iuu/taskforce.html*).

Recommendation 14 concerns the development of a risk-based traceability program as a means to combat IUU fishing and seafood fraud. Recommendation 15 calls for the implementation of the first phase of that risk-based traceability program that tracks fish and fish products identified as being at risk of IUU fishing or seafood fraud from point of harvest to point of entry into U.S. commerce.

The first step taken to address Recommendations 14 and 15 was the identification of those species likely to be at risk of IUU fishing or seafood fraud. The second step taken was proposed rulemaking (81 FR 6210, February 5, 2016), which would establish data reporting, recordkeeping, and related operational requirements at the point of entry into U.S. commerce for imported fish and fish products of at-risk species. The data reporting and recordkeeping requirements for at-risk species imports would apply to importers of record, who would be required to obtain an International Fisheries Trade Permit. The importers of record are the importers as identified in CBP entry filings for shipments containing the designated at-risk species. Customs brokers may fulfill these requirements on behalf of the importer of record at the importer of record's request.

The next step is to develop and implement a trusted trader program whereby the Secretary of Commerce will collaborate with the Secretary of Homeland Security and other agencies as relevant to assist in developing a voluntary Commerce Trusted Trader Program for importers of the species covered by the final rule to be issued to establish a Seafood Import Monitoring Program. The Commerce Trusted Trader Program will provide benefits such as reduced targeting and inspections and enhanced streamlined entry into U.S. commerce for certified importers. With this notice, the Committee is soliciting comments on the design and implementation of this Commerce Trusted Trader Program.

Scope

As proposed, the Seafood Import Monitoring Program holds the importer of record responsible for certain reporting and recordkeeping requirements. The Committee has therefore identified the universe of International Fishery Trade Permit (IFTP) holders as falling within the scope of a Commerce Trusted Trader Program. The Committee seeks comments on whether this is the appropriate scope and how the scope of the program might be expanded to include entities with a role in securing the supply chain that are not directly responsible for record keeping and reporting and who may not be required to hold an IFTP. For example, might a Trusted Trader Program include customs brokers acting on behalf of importers of record, freight forwarders, foreign harvesters, foreign processors or a foreign exporting company? The Committee seeks comments on what other roles in the supply chain and import process might benefit from reduced inspections and a streamlined entry process.

Criteria

The Committee seeks comment on scope of criteria for evaluating and certifying permit holders as "trusted traders". Such criteria might include, among other considerations, the compliance record of the applicant for other federal programs, the extent to which the certified permit holder has measures in place to verify the source and chain of custody of imported fish and fish products, and the nature and complexity of the supply chains from which the permit holder sources their imports. Additionally, the Committee seeks comment as to how the criteria within the scope of a Trusted Trader program should be weighted when considering certification of a permit holder.

The Committee also seeks comment on which attributes of a supply chain covered by the scope of the Seafood Import Monitoring Program (harvest, landing, shipment, processing, storage, import entry, etc.), if any, can be considered as criteria for inclusion in a Trusted Trader program. As with the Seafood Import Monitoring Program itself, implementation of a Commerce Trusted Trader Program must be compliant with United States international trade obligations.

Benefits and Incentives

The Task Force Action Plan describes the Commerce Trusted Trader Program as "provid[ing] benefits such as reduced targeting and inspections and enhanced streamlined entry into U.S. commerce . . ." The Committee seeks comments on these and other potential benefits that may expedite the flow of trade, reduce the burden of compliance for certified permit holders, and improve implementation and enforcement efficiency. Additionally, the Committee seeks comment on how those benefits will incentivize participation in the Commerce Trusted Trader Program while ensuring the continued effectiveness of the Seafood Import Monitoring Program.

Evaluation and Verification of Certified Permit Holders

The Committee seeks recommendations on the potential scope and process of evaluating permit holders for certification. Commenters are encouraged to describe how permit holders should be evaluated against recommended criteria.

The Committee also seeks recommendations on the potential scope and process of verifying a certified permit holder's ongoing compliance with certification criteria. Commenters are encouraged to describe process and frequency by which certified Trusted Traders and other entities that may be included in the Commerce Trusted Trader Program are evaluated for compliance with certification criteria.

Relationship to Other Trusted Trader or Federal Import Programs

NOAA administers several other trade monitoring programs requiring importers of record to obtain an IFTP, report information at time of entry, and maintain records describing the imported product's chain of custody. These include the Highly Migratory Species Catch Documentation Program and the Antarctic Marine Living Resources Import/Export Certification Program. The Committee seeks comment on the extent to which these programs can or should be included in a Commerce Trusted Trader Program.

Comments are also requested regarding the potential coordination of other federal trusted trader or import monitoring programs as a means of expediting the entry of fish products, reducing overall regulatory burden, and improving the efficiency of implementation and enforcement. Additionally, the Committee seeks comment on how coordination, or integration, with other federal Trusted Trader programs will incentivize participation in the Commerce Trusted Trader Program while ensuring the continued effectiveness of the Seafood Import Monitoring Program.

NMFS notes, however, that the Tuna Tracking and Verification Program (TTVP) requires certain reporting and recordkeeping requirements regarding imports of tuna products on the part of U.S. processors, importers, and others for purposes of the dolphin safe labeling requirements for tuna product. See 50 CFR part 216, subpart H. These requirements were recently amended by interim final rule. See 81 FR 15444, March 23, 2016. The dolphin safe labeling, reporting and recordkeeping requirements fall outside the scope of the Commerce Trusted Trader program and those dolphin safe labeling requirements would continue to apply for tuna product regardless of whether the importer qualifies as a trusted trader under this program.

Third Party Traceability Systems

The Committee is aware of private efforts by seafood producers, traders, wholesalers, retailers, and third parties to trace and track seafood products and seeks comment regarding the consideration of those traceability efforts in the design and implementation of a Commerce Trusted Trader Program. The committee also seeks recommendations for operational standards for such systems should they be included in a Commerce Trusted Trader Program.

Timing and Implementation

While the IUU Task Force Action Plan calls for the Commerce Trusted Trader Program to be finalized by September 2016, the timing of actual implementation may be affected by, among other factors, timing of the implementation of the Seafood Import Monitoring Program final rule, completion of the structure and elements of the Commerce Trusted Trader Program, and the timeframe for completion of Commerce Trusted Trader Program business rules in the International Trade Data System, as necessary for implementation. NMFS will in any case make its best effort to implement the Seafood Import Monitoring Program and the associated Commerce Trusted Trader Program simultaneously. The Committee seeks comment on the potential impacts and benefits of implementing the Commerce Trusted Trader Program some weeks or months following the implementation of the Seafood Import Monitoring Program. The committee also seeks recommendations for design and implementation of the Commerce Trusted Trader Program regarding measures that can be taken to minimize the cost and burden of those impacts and capture available benefits.

The Committee will address outstanding design and implementation issues associated with the Commerce Trusted Trader Program in its December 2016 report on the implementation of the Seafood Traceability Program.

Following the public comment period, the NOC Committee will take the input received into consideration while finalizing recommendations that will be sent forward for appropriate agency action, as outlined in the implementation plan for Task Force Recommendations 14 and 15.

Dated: April 25, 2016.

John Henderschedt,

Director, Office for International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2016–10005 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE593

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council), Atlantic Herring Committee, Atlantic Herring Advisory Panel and Atlantic Herring Plan Development Team is scheduling a public workshop on the Atlantic Herring Acceptable Biological Catch Control Rule Management Strategy Evaluation to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This workshop will be held on Monday, May 16, 2016 at 10 a.m. and Tuesday, May 17, 2016 at 9 a.m.

ADDRESSES: The workshop will be held at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; phone: (207) 775–2311; fax: (207) 772–4017.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Council is currently developing Amendment 8 to the Atlantic Herring Fishery Management Plan. Through Amendment 8, the Council expects to establish a long-term control rule for specifying acceptable biological catch (ABC) for the Atlantic herring fishery. A control rule is a formulaic approach for establishing an annual limit or target fishing level that is based on the best available scientific information.

An objective of Amendment 8 is to develop and implement an ABC control rule that manages Atlantic herring within an ecosystem context and addresses the goals of Amendment 8, which are to: Account for the role of Atlantic herring within the ecosystem, including its role as forage; to stabilize the fishery at a level designed to achieve optimum yield; to address localized depletion in inshore waters.

In January 2016, the Council approved conducting a Management Strategy Evaluation (MSE) to support the development of alternatives regarding the ABC control rule. MSE is a collaborative decision-making process, involving upfront public input and technical analysis than the normal amendment development process. MSE can take many forms, but here, the MSE will be used to help determine how a range of control rules may perform relative to potential objectives. An early step of the MSE is this public workshop to develop recommendations for Council consideration for a range of potential objectives of the Atlantic herring ABC control rule, how these objectives may be tested (*i.e.,* associated performance metrics), and the range of control rules that would undergo testing.

Workshop Goals

The Council is hosting this MSE workshop to develop a common understanding of Management Strategy Evaluation; develop recommendations to the Council for: A range of potential objectives of the Atlantic herring ABC control rule, quantitative metrics to evaluate the performance of control rules relative to the objectives, and a range of control rules to be evaluated and/or the general characteristics of a control rule; develop a common understanding of the potentials and limitations of models that may affect simulation testing, and given those, identify which uncertainties are most important to resolve; provide an opportunity for stakeholders of the Atlantic herring fishery to provide greater input than typically possible at Council meetings, in an environment that supports constructive and open dialogue between users of the resource, scientific experts, fishery managers, and other interested members of the public.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 26, 2016.

Jeffrey N. Lonergan,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–10074 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE597

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of its Commonwealth of the Northern Mariana Islands (CNMI) Mariana Archipelago Advisory Panel (AP) and its Guam Mariana Archipelago AP to discuss and make recommendations on issues in Guam, CNMI and the Western Pacific region.

DATES: The CNMI AP meeting will be held on Wednesday, May 18, 2016, between 6:30 p.m. and 9 p.m. The Guam AP meeting will be held on Friday, May 20, 2016, between 6 p.m. and 9 p.m. All times listed are local times. For agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The CNMI AP meeting will be held at the CNMI Division of Fish & Wildlife Conference Room, Lower Base, Saipan, MP, 96950 and the Guam AP meeting will be held at the Hilton Guam Resort & Spa, 202 Hilton Road, Tumon Bay, GU 96913.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Agenda for the CNMI AP Meeting

Wednesday, May 18, 2016, 6:30 p.m.–9 p.m.

1. Welcome and Introductions
2. Report on Changes to the Pelagic and Archipelagic Annual Fisheries Reports
3. Review of Annual Report Fishery Performance Information
   A. Bottomfish
   B. Coral Reef
   C. Crustaceans
   D. Precious Corals
   E. Pelagics
4. Review of Annual Report Ecosystem Considerations Information and Data Gaps
   A. Habitat
   B. Protected Species
   C. Human Dimensions
   D. Climate Variables
   E. Marine Planning
   F. Data Integration
5. Report on FEP Implementation Activities
6. Public Comment
7. Discussion and Recommendations

Agenda for the Guam AP Meeting

Friday, May 20, 2016, 6 p.m.–9 p.m.

1. Welcome and Introductions
2. Report on Changes to the Pelagic and Archipelagic Annual Fisheries Reports
3. Review of Annual Report Fishery Performance Information
   A. Bottomfish
   B. Coral Reef
   C. Crustaceans
   D. Precious Corals
   E. Pelagics
4. Review of Annual Report Ecosystem Considerations Information and Data Gaps
   A. Habitat
   B. Protected Species
   C. Human Dimensions
   D. Climate Variables
   E. Marine Planning
   F. Data Integration
5. Report on FEP Implementation Activities
6. Public Comment
7. Discussion and Recommendations

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 26, 2016.

Jeffrey N. Lonergan,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–10073 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE598

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a joint meeting of its American Samoa Regional Ecosystem Advisory Committee (REAC), American Samoa Advisory Panel (AP), Fishing Industry Advisory Committee (FIAC) (Hawaii members) and its Noncommercial Fishing Advisory Committee (NCFAC) (American Samoa members) as well as an American Samoa AP meeting. These meetings are to discuss and make recommendations on issues in American Samoa and the Western Pacific region.

DATES: The joint American Samoa REAC, AP, FIAC, and NCFAC meeting will be held on Wednesday, May 18, 2016 between 9 a.m. and 12 p.m. The American Samoa AP meeting will be held on Wednesday, May 11, 2016 between 4:30 p.m. and 7:30 p.m. For agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The joint American Samoa REAC, AP, FIAC, and NCFAC meeting and the American Samoa AP meeting will be held in the American Samoa Department of Commerce's Fagatogo Market Conference Room, Fagatogo, HI 96799.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Agenda for the Joint American Samoa REAC, AP, FIAC, and NCFAC Meeting

Wednesday, May 18, 2016, 9 a.m.–12 p.m.

1. Welcome and Introductions
2. Report on Changes to the Pelagic and Archipelagic Annual Fisheries Reports
3. Review of Annual Report Fishery Performance Information
   A. Bottomfish
   B. Coral Reef
   C. Crustaceans
   D. Precious Corals
   E. Pelagics
4. Review of Annual Report Ecosystem Considerations Information and Data Gaps
   A. Habitat
   B. Protected Species
   C. Human Dimensions
   D. Climate Variables
   E. Marine Planning
   F. Data Integration
5. Report on FEP Implementation Activities
6. Public Comment
7. Discussion and Recommendations

Agenda for the American Samoa AP Meeting

Wednesday, May 11, 2016, 4:30 p.m.–7:30 p.m.

1. Welcome and Introductions
2. American Samoa FEP Community Activities
3. American Samoa FEP AP Issues
   A. Island Fisheries
   B. Pelagic Fisheries
   C. Ecosystems and Habitat
   D. Indigenous and Fishing Communities
   E. Other Issues
4. Public Comment
5. Discussion and Recommendations
6. Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 26, 2016.

Jeffrey N. Lonergan,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–10162 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE436

Marine Mammals; File No. 19309

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to the NMFS Marine Mammal Laboratory, 7600 Sand Point Way NE., Seattle, WA 98115–6349 (Responsible Party: John Bengtson, Ph.D.), to conduct research on pinnipeds in Alaska.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On February 23, 2016, notice was published in the **Federal Register** (89 FR 8942) that the above-named applicant requested a permit to conduct research on pinnipeds. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 19309 authorizes takes of bearded (*Erignathus barbatus*), harbor (*Phoca vitulina*), ribbon (*Histriophoca fasciata*), ringed (*Phoca hispida hispida*), and spotted seals (*Phoca largha*) in the North Pacific Ocean, Bering Sea, Arctic Ocean, and coastal regions of Alaska. The purposes of the research are to investigate the foraging ecology, population abundance and trends, population structure, habitat requirements, health, vital rates, and effects of natural and anthropogenic factors on these species. Seals may be (1) captured and handled for sampling and deployment of telemetry devices, (2) incidentally harassed annually during capture activities or collection of feces and other samples from haul-out substrate, and (3) harassed during manned and unmanned aerial surveys. Steller sea lions (*Eumetopias jubatus*) of the Eastern Distinct Population Segment may be taken annually by incidental harassment during harbor seal aerial surveys. Authorization is provided for unintentional mortalities of each seal species. The permit expires on March 25, 2021.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: April 21, 2016.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–10037 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE583

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Approved Monitoring Service Providers

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of approved monitoring service providers.

SUMMARY: NMFS has approved five companies to provide at-sea monitoring services to Northeast multispecies vessels in fishing year 2016. Regulations implementing Amendment 16 to the Northeast Multispecies Fishery Management Plan require third-party at-sea monitoring service providers to apply to, and be approved by, NMFS in a manner consistent with the Administrative Procedure Act in order to be eligible to provide at-sea monitoring services to sectors.

ADDRESSES: Copies of the list of NMFS-approved sector monitoring service providers are available at *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/* or by sending a written request to: 55 Great Republic Drive, Gloucester, MA 01930, Attn: Mark Grant.

FOR FURTHER INFORMATION CONTACT: Mark Grant, Fishery Policy Analyst, (978) 281–9145, fax (978) 281–9135, email *Mark.Grant@noaa.gov.*

SUPPLEMENTARY INFORMATION: Amendment 16 (75 FR 18262; April 9, 2010) to the Northeast Multispecies Fishery Management Plan (FMP) expanded the sector management program, including requirements to ensure accurate monitoring of sector at-sea catch and dockside landings, and common pool dockside landings. Framework Adjustment 48 to the FMP (Framework 48, 78 FR 26118; May 3, 2013) revised the goals and objectives for sector monitoring programs.

Standards for Approving At-Sea Monitoring Service Providers

Regulations at 50 CFR 648.87(b)(4) describe the criteria for NMFS approval of at-sea monitoring service providers. NMFS is approving service providers for fishing year 2016 (beginning May 1, 2016) based on: (1) Completeness and sufficiency of applications; (2) determination of the applicant's ability to meet the performance requirements of a sector monitoring service provider; and (3) documented successful performance as NMFS-funded providers in fishing year 2015. Northeast multispecies sectors are required to design and implement independent, third-party at-sea monitoring programs in fishing year 2016, and are responsible for the at-sea portion of the costs of these monitoring requirements.

For fishing year 2015, NMFS approved A.I.S., Inc.; East West Technical Services, LLC; MRAG Americas, Inc.; Fathom Research, LLC; and ACD USA Ltd. as service providers. Once approved, providers must be able to document ongoing compliance with performance requirements in order to maintain eligibility (§ 648.87(b)(4)(ii)). NMFS can disapprove any previously approved service provider during the fishing year if the service provider in question ceases to meet the performance standards. NMFS must notify service providers of disapproval in writing.

Approved Monitoring Service Providers

NMFS received complete applications from five companies interested in providing at-sea monitoring services in fishing year 2016; these were the same five service providers that were approved for fishing year 2015. The Regional Administrator has approved all five service providers as eligible to provide at-sea monitoring services in fishing year 2016 because they have met the application requirements, documented an ability to comply with service provider standards, and have been determined to have met the service provider performance criteria:

TABLE 1—APPROVED FISHING YEAR 2016 PROVIDERS

Provider name	Address	Phone	Fax	Web site
ACD USA Ltd	1801 Hollis St., Suite 1220, Halifax, Nova Scotia, Canada B35 3N4.	902–749–5107	902–749–4552	*www.atlanticcatchdata.ca.*
A.I.S., Inc	14 Barnabas Rd., P.O. Box 1009, Marion, MA 02738.	508–990–9054	508–990–9055	*aisobservers.com.*
East West Technical Services, LLC.	1415 Corona Ln., Vero Beach, FL 32963	860–214–2435	860–223–6005	*www.ewts.com.*
Fathom Research, LLC	1213 Purchase St., New Bedford, MA 02740	508–990–0997	508–991–7372	*www.fathomresearchllc.com.*
MRAG Americas, Inc	65 Eastern Ave., Unit B2C, Essex, MA 01929.	978–768–3880	978–768–3878	*www.mragamericas.com.*

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 25, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–09970 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE509

Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment and Review (SEDAR); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The SEDAR 47 assessment of the U.S. Goliath Grouper will consist of a Review Workshop.

DATES: The SEDAR 47 Review Workshop will be held from 9 a.m. on May 17, 2016 until 6 p.m. on May 19, 2016. See **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting address: The SEDAR 47 Review Workshop will be held at the Hampton Inn & Suites, 80 Beach Drive NE., St. Petersburg, Florida 33701.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie Neer, SEDAR Coordinator; *phone:* (843) 571–4366 or toll free (866) SAFMC–10; *fax:* (843) 769–4520; *email: Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR usually involves a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Review Workshop agenda are as follows:

The Review Panel participants will review the stock assessment reports to determine if they are scientifically sound.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 26, 2016.

Jeffrey N. Lonergan,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–10075 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings and hearings.

SUMMARY: This notice provides an update (adds an additional committee to the joint meeting) to a notice that published on April 26, 2016. The Western Pacific Fishery Management Council (Council) will hold a joint meeting of its Hawaii Regional Ecosystem Advisory Committee (REAC), Hawaii Advisory Panel (AP), Fishing Industry Advisory Committee (FIAC) (Hawaii members) and Noncommercial Fishing Advisory Committee (NCFAC) (Hawaii members) and a Hawaii AP meeting to discuss and make

recommendations on issues in Hawaii and the Western Pacific region.

DATES: The joint Hawaii REAC, AP, FIAC and NCFAC meeting will be held on Wednesday, May 11, 2016 between 9 a.m. and 12 p.m. The Hawaii AP meeting will be held on Wednesday, May 11, 2016 between 1 p.m. and 4 p.m. For agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The joint Hawaii REAC, AP, FIAC and NCFAC meeting and the Hawaii AP meeting will be held at the Council office, 1164 Bishop St. Honolulu, HI 96813; phone: (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The original notice published in the **Federal Register** on April 26, 2016 (81 FR 24565). This notice adds an additional committee to the joint meeting. The notice is being republished in its entirety.

Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Agenda for the Joint Hawaii AP, REAC, FIAC and NCFAC Meeting

Wednesday, May 11, 2016,
9 a.m.–12 p.m.

1. Welcome and Introductions
2. Report on Changes to the Pelagic and Archipelagic Annual Fisheries Reports
3. Review of Annual Report Fishery Performance Information
   A. Bottomfish
   B. Coral Reef
   C. Crustaceans
   D. Precious Corals
   E. Pelagics
4. Review of Annual Report Ecosystem Considerations Information and Data Gaps
   A. Habitat
   B. Protected Species
   C. Human Dimensions
   D. Climate Variables
   E. Marine Planning
   F. Data Integration
5. Report on FEP Implementation Activities
6. Public Comment
7. Discussion and Recommendations

Agenda for the Hawaii AP Meeting

Wednesday, May 11, 2016,
1 p.m.–4 p.m.

1. Welcome and Introductions
2. Hawaii FEP Community Activities
3. Hawaii FEP AP Issues
   A. Island Fisheries
   B. Pelagic Fisheries
   C. Ecosystems and Habitat
   D. Indigenous and Fishing Communities
   E. Other Issues
6. Public Comment
7. Discussion and Recommendations
8. Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 26, 2016.

Jeffrey N. Lonergan,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–10163 Filed 4–28–16; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities, and deletes services previously provided by such agencies.

DATES: Comments must be received on or before: 5/29/2016.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Addition

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice will be required to provide the service listed below from the nonprofit agency employing persons who are blind or have other severe disabilities.

The following service is proposed for addition to the Procurement List for provision by the nonprofit agency listed:

Service

Service Type: Laundry Service
Service Is Mandatory for: Virginia Army National Guard, United States Property and Fiscal Office, Fort Pickett, Blackstone, VA
Mandatory Source(s) of Supply: Rappahannock Goodwill Industries, Inc., Fredericksburg, VA
Contracting Activity: Dept of the Army, W7N5 USPFO ACTIVITY VA ARNG, Blackstone, VA

Deletions

The following services are proposed for deletion from the Procurement List:

Services

Service Type: Janitorial/Custodial Service
Mandatory for: GSA PBS Region 3, Metro West, 300 and 400 North Greene Street, Baltimore, MD
Mandatory Source(s) of Supply: The Chimes, Inc., Baltimore, MD
Contracting Activity: GSA/PBS/R03, Regional Contracts Support Services Section, Philadelphia, PA
Service Type: Recycling Service
Mandatory for: Francis E. Warren Air Force Base, Francis E. Warren AFB, WY
Mandatory Source(s) of Supply: Magic City Enterprises, Inc., Cheyenne, WY
Contracting Activity: Dept of the Air Force, FA4613 90 CONS LGC, Francis E. Warren AFB, WY
Service Type: Laundry Service
Mandatory for: McChord Air Force Base: Lodging Colored Linen, McChord AFB, WA
Mandatory Source(s) of Supply: Northwest Center, Seattle, WA
Contracting Activity: Dept of the Air Force, FA4479 62 CONS LGC, McChord AFB, WA

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2016–10180 Filed 4–28–16; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Friday, May 6, 2016.

PLACE: Three Lafayette Centre, 1155 21st Street NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, enforcement, and examinations matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Natise Allen,
Executive Assistant.

[FR Doc. 2016–10216 Filed 4–27–16; 4:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Subcommittee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open Subcommittee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Defense Language Institute Foreign Language Center Board of Visitors, a subcommittee of the Army Education Advisory Committee. This meeting is open to the public.

DATES: The Defense Language Institute Foreign Language Center (DLIFLC) Board of Visitors Subcommittee will meet from 8:00 a.m. to 5:00 p.m. on June 1 and 2, 2016.

ADDRESSES: Defense Language Institute Foreign Language Center, Building 326, Weckerling Center, Presidio of Monterey, CA 93944.

FOR FURTHER INFORMATION CONTACT: Mr. Detlev Kesten, the Alternate Designated Federal Officer for the subcommittee, in writing at Defense Language Institute Foreign Language Center, ATFL–APAS–AA, Bldg. 634, Presidio of Monterey, CA 93944, by email at *detlev.kesten@dliflc.edu,* or by telephone at (831) 242–6670.

SUPPLEMENTARY INFORMATION: The subcommittee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to provide the subcommittee with briefings and information focusing on the Institute's plan for its students to achieve higher proficiency scores on the Defense Language Proficiency Test (DLPT). The subcommittee will also receive an update on the Institute's accreditation and will address administrative matters.

Proposed Agenda: June 1—The subcommittee will receive briefings associated with DLIFLC's higher proficiency goals and the Institute's actions in supporting said goal. The subcommittee will be updated on the Institute's on going self-study to reaffirm its academic accreditation. The subcommittee will complete administrative procedures and appointment requirements. June 2—The subcommittee will have time to discuss and compile observations pertaining to agenda items. General deliberations leading to provisional findings will be referred to the Army Education Advisory Committee for deliberation by the Committee under the open-meeting rules.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mr. Kesten, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public attending the subcommittee meetings will not be permitted to present questions from the floor or speak to any issue under consideration by the subcommittee. Because the meeting of the subcommittee will be held in a Federal Government facility on a military base, security screening is required. A photo ID is required to enter base. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. Weckerling Center is fully handicap accessible. Wheelchair access is available on the right side of the main entrance of the building. For additional information about public access procedures, contact Mr. Kesten, the subcommittee's Alternate Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the subcommittee, in response to the stated agenda of the open meeting or in regard to the subcommittee's mission in general. Written comments or statements should be submitted to Mr. Kesten, the subcommittee Alternate Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The Alternate Designated Federal Official will review all submitted written comments or statements and provide them to members of the subcommittee for their consideration. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Alternate Designated Federal Official at least seven business days prior to the meeting to be considered by the subcommittee. Written comments or statements received after this date may not be provided to the subcommittee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least seven business days in advance to the subcommittee's Alternate Designated Federal Official, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The Alternate Designated Federal Official will log each request, in the order received, and in consultation with the Subcommittee Chair, determine whether the subject matter of each comment is relevant to the Subcommittee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three minutes during the period, and will be invited to speak in the order in which their requests were received by the Alternate Designated Federal Official.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2016–10001 Filed 4–28–16; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To Grant a Partially Exclusive License; AEgis Technologies Group, Inc.

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 35 U.S.C. 209(e) and 37 CFR part 404.7(a)(1)(i), the Department of the Army announces the intent to grant a revocable, non-assignable, partially exclusive license to AEgis Technologies Inc., Huntsville, Alabama, for the Joint Embedded Messaging System (JEMS) government-owned software for efficient manipulation of data. Joint Embedded Messaging System (JEMS) routes and translates messages and protocols for command and control (C2), simulation, and other systems using a configurable application for input and output formats, providing interoperability solutions while not requiring software modifications for data compatibility.

DATES: Anyone wishing to object to the grant of this license can file written objections, along with supporting evidence, if any, within 15 days from the date of this publication.

ADDRESSES: Written objections are to be filed with the Office of Research and Technology Applications, SDMC–CT (Ms. Susan D. McRae), Bldg. 5220, Von Braun Complex, Room 5078, Redstone Arsenal, AL 35898.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Gilsdorf, Patent Attorney, email: *christine.j.gilsdorf.civ@mail.mil;* (256) 955–3213 or Ms. Susan D. McRae, Office of Research and Technology Applications (ORTA), email: *susan.d.mcrae.civ@mail.mil;* (256) 955–1501.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2016–09993 Filed 4–28–16; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Strategic Command Strategic Advisory Group; Notice of Federal Advisory Committee Closed Meeting

AGENCY: Department of Defense.

ACTION: Notice of Federal Advisory Committee closed meeting.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the U.S. Strategic Command Strategic Advisory Group. This meeting will be closed to the public.

DATES: Tuesday, May 24, 2016, from 8:00 a.m. to 5:00 p.m. and Wednesday, May 25, 2016, from 8:00 a.m. to 11:00 a.m.

ADDRESSES: Dougherty Conference Center, Building 432, 906 SAC Boulevard, Offutt AFB, Nebraska 68113.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Trefz, Jr., Designated Federal Officer, (402) 294–4102, 901 SAC Boulevard, Suite 1F7, Offutt AFB, NE 68113–6030.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App 2, Section 1), the Government in Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to provide advice on scientific, technical, intelligence, and policy-related issues to the Commander, U.S. Strategic Command, during the development of the Nation's strategic war plans.

Agenda: Topics include: Policy Issues, Space Operations, Nuclear Weapons Stockpile Assessment, Weapons of Mass Destruction, Intelligence Operations, Cyber Operations, Global Strike, Command and Control, Science and Technology, Missile Defense.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, and 41 CFR 102–3.155, the Department of Defense has determined that the meeting shall be closed to the public. Per delegated authority by the Chairman, Joint Chiefs of Staff, Admiral C.D. Haney, Commander, U.S. Strategic Command, in consultation with his legal advisor, has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because they will be concerned with matters listed in 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the membership of the Strategic Advisory Group at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Strategic Advisory Group's Designated Federal Officer; the Designated Federal Officer's contact information can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/*. Written statements that do not pertain to a scheduled meeting of the Strategic Advisory Group may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all the committee members.

Dated: April 25, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–09982 Filed 4–28–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the Defense Science Board ("the Board").

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(d). The charter and contact information for the Board's Designated Federal Officer (DFO) can be obtained at *http://www.facadatabase.gov/*.

The Board provides independent advice and recommendations on science, technology, manufacturing, acquisition process, and other matters of special interest to the DoD to the Secretary of Defense, the Deputy Secretary of Defense, the Under

Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), and other senior Defense officials. The Board shall be composed of not more than 50 members, who are eminent authorities in the fields of science, technology, manufacturing, acquisition process, and other matters of special interest to the DoD. Members who are not full-time or permanent part-time Federal officers or employees are appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members. Members who are full-time or permanent part-time Federal officers or employees are appointed pursuant to 41 CFR 102–3.130(a) to serve as regular government employee members. All members are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Board-related travel and per diem, members serve without compensation. The DoD, as necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board, and all subcommittees must operate under the provisions of FACA and the Government in the Sunshine Act. Subcommittees will not work independently of the Board and must report all recommendations and advice solely to the Board for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, directly to the DoD or any Federal officers or employees. The Board's DFO, pursuant to DoD policy, must be a full-time or permanent part-time DoD employee, and must be in attendance for the duration of each and every Board/subcommittee meeting. The public or interested organizations may submit written statements to the Board membership about the Board's mission and functions. Such statements may be submitted at any time or in response to the stated agenda of planned Board. All written statements must be submitted to the Board's DFO who will ensure the written statements are provided to the membership for their consideration.

Dated: April 25, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–09971 Filed 4–28–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2016–OS–0050]

Proposed Collection; Comment Request

AGENCY: Office of the DoD Chief Information Officer, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the DoD Chief Information Officer announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 28, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collections or to obtain a copy of the proposal and associated collection instruments, please contact the DoD's DIB Cybersecurity Activities Office: (703) 604–3167, toll free (855) 363–4227, located at 1550 Crystal Dr., Suite 1000–A, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION:

Title: Associated Form; and OMB Number: DoD's Defense Industrial Base (DIB) Cybersecurity (CS) Program Point of Contact (POC) Information; OMB Control Number 0704–0490.

Needs and Uses: The information collection requirement is necessary to execute the voluntary Defense Industrial Base (DIB) Cybersecurity (CS) program. DoD will collect business points of contact (POC) information from all DIB CS program participants on a one-time basis, with updates as necessary, to facilitate communications and the sharing of share unclassified and classified cyber threat information.

Affected Public: Business or other for-profit and not-for-profit institutions.

Annual Burden Hours: 312.

Number of Respondents: 935.

Responses per Respondent: 1.

Annual Responses: 935.

Average Burden per Response: 20 minutes.

Frequency: On occasion.

Respondents are cleared defense contractors participating in DoD's DIB Cybersecurity program who voluntarily share cyber threat information with DoD. DoD estimates that no more than 10% of the total eligible population of cleared defense contractors will apply to the voluntary DIB Cybersecurity program resulting in 850 cleared defense contractors impacted annually. An additional 10% of the population or 85 contractors may provide updated points of contact for the program, as required. Having DIB participants share cyber threat information under the DIB CS program allows both DoD and DIB participants to better understand cyber threats, to better protect unclassified defense information, and increases cyber situational awareness of the overall threat landscape, while preserving the intellectual property and competitive capabilities of our national defense industrial base.

Dated: April 25, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–09995 Filed 4–28–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Acquisition University Board of Visitors; Notice of Federal Advisory Committee Meeting

AGENCY: Defense Acquisition University, DoD.

ACTION: Meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce a Federal Advisory Committee meeting of the Defense Acquisition University Board of Visitors. This meeting will be open to the public.

DATES: Wednesday, May 25, 2016, from 9:00 a.m. to 4:00 p.m.

ADDRESSES: DAU Headquarters, Bldg 202, 9820 Belvoir Road, Ft Belvoir, VA 22060.

FOR FURTHER INFORMATION CONTACT: Caren Hergenroeder, Protocol Director, DAU. Phone: 703–805–5134. Fax: 703–805–5940. Email: *caren.hergenroeder@dau.mil.*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of this meeting is to report back to the Board of Visitors on continuing items of interest. *Agenda:*

9:00 a.m.—Welcome and Announcements
9:10 a.m.—DAU Update
10:00 a.m.—Discussion with Functional Leads
12:00 p.m.—Lunch
1:00 p.m.—Discussion with Functional Lead/ASD(A)
2:45 p.m.—Scenario-based Discussions
4:00 p.m—Adjourn

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. However, because of space limitations, allocation of seating will be made on a first-come, first served basis. Persons desiring to attend the meeting should call Ms. Caren Hergenroeder at 703–805–5134.

Written Statements: Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Defense Acquisition University Board of Visitors about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the Defense Acquisition University Board of Visitors.

All written statements shall be submitted to the Designated Federal Officer for the Defense Acquisition University Board of Visitors, and this individual will ensure that the written statements are provided to the membership for their consideration.

Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the Defense Acquisition University Board of Visitors until its next meeting.

Committee's Designated Federal Officer or Point of Contact: Ms. Christen Goulding, 703–805–5412, *christen.goulding@dau.mil.*

Dated: April 26, 2016.

Aaron Siegel,

Alternate OSD Federal Register$ Liaison Officer, Department of Defense.

[FR Doc. 2016–10033 Filed 4–28–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

City of Norfolk Flood Risk Management Study NEPA Scoping Meeting and Public Comment Period

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent/NEPA Scoping meeting and public comment period.

SUMMARY: Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321–4370, as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), the U.S. Army Corps of Engineers (USACE) plans to prepare a Feasibility Study with an integrated Environmental Impact Statement (EIS) to evaluate environmental impacts from reasonable project alternatives and to determine the potential for significant impacts related to reduce future flood risk in ways that support the long-term resilience and sustainability of the coastal ecosystem and surrounding communities due to sea level rise, local subsidence and storms, and to reduce the economic costs and risks associated with large-scale flood and storm events in the City of Norfolk, Virginia.

DATES: Scoping comments may be submitted until June 30, 2016.

ADDRESSES: The public is invited to submit NEPA scoping comments at the meeting and/or submit comments to Mr. David Schulte, Department of the Army, U.S. Army Corps of Engineers, Norfolk District, Fort Norfolk, 803 Front St., Norfolk, VA 23510 or via email: *David.M.Schulte@usace.army.mil.* The project title and the commenter's contact information should be included with submitted comments.

FOR FURTHER INFORMATION CONTACT: David Schulte, (757) 201–7007.

SUPPLEMENTARY INFORMATION: Historical storms have impacted the City of Norfolk. In response to these storms, USACE is investigating measures to reduce future flood risk in ways that support the long-term resilience and sustainability of the coastal ecosystem and surrounding communities, and reduce the economic costs and risks associated with flood and storm events. In support of this goal, USACE completed the North Atlantic Coast Comprehensive Study, which identified nine high risk areas on the Atlantic Coast for further analysis based on preliminary findings.

The City of Norfolk was identified as one of the nine areas of high risk, or Focus Areas, that warrants an in-depth investigation into potential coastal storm risk management measures. The Norfolk Focus Area is located on the southern shore of the Chesapeake Bay identified as one of the highest risk areas for relative sea level rise on the Atlantic Coast.

USACE is the lead federal agency and the city of Norfolk will be the non-federal sponsor for the study. The city of Norfolk has experienced an accelerating increase in nuisance flooding due to storms of varying magnitude, with large storms (nor'easters and hurricanes) often causing major flooding in many areas of the City. The most recent events that flooded major portions of the City were the November 2009 Northeaster, and Hurricanes Isabel (2003), Irene (2011), and Sandy (2012). The feasibility study will address potential structural and non-structural alternatives to mitigate impacts from flooding and determining the Federal interest in cost-sharing for those alternatives.

As required by Council on Environmental Quality's Principles, Requirements and Guidelines for Water and Land Related Resources Implementation Studies all reasonable alternatives to the proposed Federal action that meet the purpose and need will be considered in the EIS. These alternatives will include no action and a range of reasonable alternatives for reducing flood risk within the city of Norfolk.

Scoping/Public Involvement. The public NEPA scoping meeting will be held on May 25, 2016, from 5 p.m.–8 p.m. It will be held at the Mary D. Pretlow Anchor Branch Library 111 W Ocean View Ave, Norfolk, VA 23503. Federal, state, and local agencies, Indian tribes, and the public are invited to provide scoping comments to identify issues and potentially significant effects to be considered in the analysis.

Brenda S. Bowen,
Army Federal Register Liaison Officer.

[FR Doc. 2016–10002 Filed 4–28–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Termination of the Environmental Impact Statement for the Proposed Lake Columbia Regional Water Supply Reservoir Project in Texas

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Termination of the Environmental Impact Statement (EIS) Process.

SUMMARY: The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Division is notifying interested parties that it has terminated the process to develop a Revised Draft Environmental Impact Statement (DEIS) and has withdrawn the Section 404 Clean Water Act permit application for the proposed 'Lake Columbia Regional Water Supply Reservoir Project' submitted in 2005 by an independent governmental agency known as the Angelina & Neches River Authority (ANRA). The original Notice of Intent to Prepare an EIS was published in the **Federal Register** on Friday, June 28, 2005 (70 FR 37094).

FOR FURTHER INFORMATION CONTACT: Questions regarding the termination of this EIS process should be addressed to Mr. Chandler Peter, Regulatory Technical Specialist, U.S. Army Corps of Engineers, Fort Worth District, Regulatory Division, 819 Taylor Street, P.O. Box 17300, Fort Worth, TX 76102; (817) 886–1736; *chandler.j.peter@usace.army.mil.*

Stephen L. Brooks,
Chief, Regulatory Division, Fort Worth District.

[FR Doc. 2016–09999 Filed 4–28–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Lake Eufaula Advisory Committee Meeting Notice

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Lake Eufaula Advisory Committee (LEAC). The meeting is open to the public.

DATES: The Committee will meet from 10:00 a.m.–12:00 p.m. on Tuesday, June 7, 2016.

ADDRESSES: The meeting will be held at Three Forks Harbor, 5201 Three Forks Road, Fort Gibson, OK 74434.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Knack; Designated Federal Officer (DFO) for the Committee, in writing at Eufaula Lake Office, 102 E. BK 200 Rd, Stigler, OK 74462–1829, or by email at *Jeff.Knack@usace.army.mil,* or by phone at 1–918–484–5135, ext. 3117.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended) and 41 CFR 102–3.150.

Purpose of the Meeting: The Lake Eufaula Advisory Committee is an independent Federal advisory committee established as directed by Section 3133(b) of the Water Resources Development Act of 2007 (WRDA 2007) (Pub. L. 110–114). The committee is advisory in nature only with duties to include providing information and recommendations to the Corps of Engineers regarding operations of Eufaula Lake, Oklahoma for project purposes. In accordance with Sections 3133(c)(2) and 3133(d)(1) of WRDA 2007, the committee will also provide recommendations on a reallocation study concerning current and future use of the Lake Eufaula storage capacity for authorized project purposes as well as a subsequent pool management plan.

Proposed Agenda: This will be the first meeting of the LEAC. The committee will conduct introductions of members, discuss organizational details and logistics, and discuss future direction.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis. The Three Forks Harbor is readily accessible to and usable by persons with disabilities. For additional information about public access procedures, contact Mr. Jeff Knack, the Committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments and Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Committee, in response to the stated agenda of the open meeting or in regard to the Committee's mission in general. Written comments or statements should be submitted to Mr. Knack, the Committee's Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Officer at least seven business days prior to the meeting to be considered by the Committee. The Designated Federal Officer and the Committee Chair will review all timely submitted written comments or statements and ensure the comments are provided to all members of the Committee before the meeting. Written comments or statements received after this date may not be provided to the Committee until its next meeting. Please note that because the LEAC operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) days in advance to the Committee's Designated Federal Officer, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The Designated Federal Officer will log each request, in the order received, and in consultation with the Committee Chair determine whether the subject matter of each comment is relevant to the Committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the Designated Federal Officer.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2016–10003 Filed 4–28–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[USACE Project No. SWF–2010–00244]

Availability of a Final Regional Environmental Impact Statement To Analyze Potential Impacts Within Defined Geographic Regions in Texas That May Be Affected by Future U.S. Army Corps of Engineers, Fort Worth District, Permit Decisions for Future Surface Coal and Lignite Mine Expansions or Satellite Mines Within the District's Area of Responsibility

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Fort Worth District, as lead federal agency, has prepared this Regional Environmental Impact Statement (REIS) to analyze potential impacts within defined geographic regions in Texas that may be affected by future USACE, Fort Worth District, permit decisions for future surface coal and lignite mine expansions or satellite mines within the District's area of responsibility. The REIS has been prepared in compliance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and the USACE Procedures for Implementing NEPA (33 CFR part 230).

FOR FURTHER INFORMATION CONTACT: Mr. Darvin Messer, Regulatory Project Manager at (817) 886–1744 or via email: *Darvin.Messer@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The USACE, Fort Worth District, is proposing changes to its regulatory framework for surface coal and lignite mines in Texas. The proposed regulatory framework includes the establishment of a Regional General Permit (RGP) and a revised Letter of Permission (LOP) procedure with modifications to aquatic resource impact thresholds and a change from agency concurrence to agency coordination as compared to the current process. No changes to the criteria for Nationwide Permit (NWP) 21 or NWP 49 are proposed.

The REIS considers the potential environmental impacts of future mine expansions or satellite mines in six study areas along the coal-bearing formations in Texas that run from southwest Texas to northeast Texas. The study areas encompass locations within the coal/lignite belt in Texas that were determined to be within reasonable proximity to existing surface coal and lignite mines with potential for future expansion.

Copies of the Final REIS may be obtained by contacting USACE Fort Worth District Regulatory Branch at (817) 886–1731 or downloaded/printed from the Fort Worth District USACE internet Web site at: *http://www.swf.usace.army.mil/Missions/Regulatory/Permitting/REISforLigniteMininginTexas.aspx*

Copies of the Final REIS are also available for inspection at the locations identified below:

Pittsburg-Camp County Public Library, 613 Quitman Street, Pittsburg, TX 75686

Sammy Brown Library, 319 S. Market St., Carthage, TX 75633

Franklin County Library, 100 Main Street East, Mt. Vernon, TX 75457

Rusk County Library, 106 East Main St., Henderson, TX 75652

Sulphur Springs Public Library, 611 Davis St. North, Sulphur Springs, TX 75482

Fannie Brown Booth Library, 619 Tenaha Street, Center, TX 75935

Rains County Public Library, 150 Doris Briggs Parkway, Emory, TX 75440

Tyler Public Library, 201 S. College Ave., Tyler, TX 75702

Mount Pleasant Public Library, 601 North Madison Ave., Mount Pleasant, TX 75455

Palestine Public Library, 2000 S. Loop 256, Ste. 42, Palestine, TX 75801

Quitman Public Library, 202 East Goode Street, Quitman, TX 75783

Marlin Public Library, 400 Oaks St., Marlin, TX 76661

Singletary Memorial Library, 207 E 6th St, Rusk, TX 75785

Mary Moody Northen Municipal Library, 350 West Main Street, Fairfield, TX 75840

Longview Public Library, 222 W. Cotton St., Longview, TX 75601

Clint W. Murchinson Memorial Library, 121 S. Prairieville, Athens, TX 75751

Marshall Public Library, 300 S. Alamo Blvd., Marshall, TX 75670

Elmer P. & Jewel Ward Memorial Library, 207 E St Mary's St, Centerville, TX 75833

Groesbeck Maffett Public Library, 601 W. Yeagua St., Groesbeck, TX 76642

Georgetown Public Library, 402 W. 8th St., Georgetown, TX 78626

Jourdanton Community Library, 1101 Cambell Ave., Jourdanton, TX 78026

Carnegie Library, 315 E. Decherd Street, Franklin, TX 77856

Live Oak County Library, 102 Le Roy St, Three Rivers, TX 78071

Van Zandt County Public Library, 317 First Monday Ln, Canton, TX 75103

Dimmit County Public Library, 200 N. 9th Street, Carrizo Springs, TX 78834

Bastrop Public Library, 1100 Church Street, Bastrop, TX 78602

Kinney County Public Library, 510 South Ellen St., Bracketville, TX 78832

Harrie P. Woodson Memorial Library, 704 W. Hwy. 21, Caldwell, TX 77836

Eagle Pass Main Library, 589 East Main, Eagle Pass, TX 78852

Giddings Public Library, 276 North Orange St., Giddings, TX 78942

Crystal City Memorial Library, 101 E Dimmit, Crystal City, TX 78839

Cameron Public Library, 304 East 3rd Street, Cameron, TX 76520

Stephen L Brooks,

Chief, Regulatory Division.

[FR Doc. 2016–10000 Filed 4–28–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability of the Final Environmental Impact Statement (FEIS) for the Installation of a Terminal Groin Structure at the Eastern End of Ocean Isle Beach, Extending Into the Atlantic Ocean, West of Shallotte Inlet (Brunswick County, NC)

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Wilmington District, Wilmington Regulatory Field Office has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act, from the Town of Ocean Isle Beach to install a terminal groin structure on the east side of Ocean Isle Beach, extending into the Atlantic Ocean, just west of Shallotte Inlet. The structure will be designed to function in concert with the Federal storm damage reduction project.

DATES: The public commenting period on the FEIS will end at 5 p.m., May 31, 2016.

ADDRESSES: Copies of comments and questions regarding the FEIS may be submitted to: U.S. Army Corps of Engineers (Corps), Wilmington District, Regulatory Division, c/o Mr. Tyler Crumbley. ATTN: File Number SAW–2011–01241, 69 Darlington Avenue, Wilmington, NC 28403.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and FEIS can be directed to Mr. Tyler Crumbley, Wilmington Regulatory Field Office, telephone: (910) 251–4170, facsimile (910) 251–4025, or email at *tyler.crumbley@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. *Project Description.* The Town of Ocean Isle Beach is seeking Federal and State authorization for construction of a terminal groin, and associated beach fillet with required maintenance, to be located at the eastern end of Ocean Isle Beach. The proposed terminal groin and beach fillet is the Town's preferred alternative (#5) of five alternatives considered in this document. Under the preferred alternative, the terminal groin would extend 750-feet seaward, and 300-feet shoreward, of the April 2007 mean high water shoreline. The seaward section would be constructed with loosely placed armor stone to facilitate the movement of sand past the structure. The shoreward anchorage section would be constructed with sheet pile which would have a top elevation varying from +4.9 feet NAVD to +4.5 feet NAVD.

The proposed terminal groin is one of four such structures approved by the General Assembly to be constructed in North Carolina following passing of Senate Bill (SB) 110. The U.S. Army Corps of Engineers (USACE) determined that there is sufficient information to conclude that the project would result in significant adverse impact on the human environment, and has prepared an FEIS pursuant to the National Environmental Policy Act (NEPA) to evaluate the environmental effects of the alternatives considering the project's purpose and need. The purpose and need of the proposed terminal groin and beach fillet is to provide shoreline protection that would mitigate chronic erosion on the eastern portion on the Town's oceanfront shoreline so as to preserve the integrity of its infrastructure, provide protection to existing development, and ensure the continued use of the oceanfront beach along this area.

2. *Issues.* There are several potential environmental and public interest issues that are addressed in the FEIS. Public interest issues include, but are not limited to, the following: public safety, aesthetics, recreation, navigation, infrastructure, solid waste, economics, and noise pollution. Additional issues may be identified during the public review process and addressed in the Record of Decision (ROD). Issues initially identified as potentially significant include:

a. Potential impacts to marine biological resources (benthic organisms, passageway for fish and other marine life) and Essential Fish Habitat.

b. Potential impacts to threatened and endangered marine mammals, reptiles, birds, fish, and plants.

c. Potential for effects/changes to Ocean Isle beach, Holden Beach, Sunset Beach, and Shallotte inlet, respectively.

d. Potential impacts to navigation.

e. Potential effects on regional sand sources and sand management practices, including the Federal (Ocean Isle Beach storm damage reduction) project.

f. Potential effects of shoreline protection.

g. Potential impacts on public health and safety.

h. Potential impacts to recreational and commercial fishing.

i. Potential impacts to cultural resources.

j. Potential impacts to future dredging and nourishment activities.

3. *Alternatives.* Several alternatives are being considered for the proposed project. These alternatives, including the No Action alternative, were further formulated and developed during the scoping process and considered in the FEIS. A summary of alternatives under consideration are provided below:

a. Alternative 1—No Action (Continue Current Management Practices)
b. Alternative 2—Abandon/Retreat
c. Alternative 3—Beach Fill Only (Including Federal Project)
d. Alternative 4—Shallotte Inlet Bar Channel Realignment with Beach Fill (Including Federal Project)
e. Alternative 5—Terminal Groin with Beach Fill (Including Federal Project)/ Applicants Preferred Alternative

4. *Scoping Process.* Project Review Team meetings were held to receive comments and assess concerns regarding the appropriate scope and preparation of the FEIS. Federal, state, and local agencies and other interested organizations and persons participated in these Project Review Team meetings.

The Corps has completed consultation with the United States Fish and Wildlife Service and the National Marine Fisheries Service pursuant to the Endangered Species Act and the Fish and Wildlife Coordination Act. The Corps has also completed consultation with the National Marine Fisheries Service pursuant to the Magnuson-Stevens Act and Endangered Species Act. The Corps has coordinated with the State Department of Cultural Resources pursuant to Section 106 of the National Historic Preservation Act.

Potential water quality concerns have been addressed pursuant to Section 401 of the Clean Water Act through coordination with the North Carolina Divisions of Coastal Management (DCM) and Water Resources (DWR). This coordination will insure consistency with the Coastal Zone Management Act and project compliance with water quality standards. The Corps has coordinated closely with DCM in the development of the FEIS to ensure the process complies with State Environmental Policy Act (SEPA) requirements, as well as the NEPA requirements. The FEIS has been designed to consolidate both NEPA and SEPA processes to eliminate duplications.

5. *Evaluation/Release of the Draft EIS (DEIS).* The DEIS was released on January 23, 2015, and a Public Hearing was held on February 24, 2015. Comments received from the DEIS have been addressed and made part of the FEIS. No less than 30 days from the date of release of the FEIS, the Corps will prepare a ROD to support a permit decision on the applicant's preferred

alternative in accordance with NEPA and our program regulations. The ROD will address the Public Interest Review criteria, the Section 404(B)1 Guidelines (used to implement Section 404 of the Clean Water Act), and related Federal Laws (*i.e.*, Endangered Species Act, National Historic Preservation Act, and the Magnuson Stevens Fisheries Conservation and Management Act) in addition to applicable Executive Orders, and other regulatory policies.

6. *Availability of the FEIS.* This NOA announces that the FEIS has been released and will be circulated for 30 days from the date of this NOA. The FEIS for the proposal can be found at the following link under Major Projects/Town of Ocean Isle Terminal Groin Project: *http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/MajorProjects.*

Dated: April 20, 2016.

Scott McLendon,

Chief, Regulatory Division.

[FR Doc. 2016–09997 Filed 4–28–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1488–007.
Applicants: Quantum Pasco Power, LP.
Description: Compliance filing: Quantum Pasco Power, LP Revised Electric Tariff to be effective 4/23/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5146.
Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: ER16–463–001.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: Compliance filing: 2016–04–22_SA 2765 MidAmerican-Ameren Illinois 1st Rev TIA Compliance to be effective 2/18/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5091.
Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: ER16–920–001.
Applicants: Southwestern Public Service Company.
Description: Compliance filing: 4–22–16_ER13–1455 Comp Filing to be effective 4/20/2012.
Filed Date: 4/22/16.
Accession Number: 20160422–5144.
Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: ER16–1484–000.
Applicants: Goshen Phase II LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/22/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5074.
Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: ER16–1485–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2016–04–22_MI ONT PARS MISO–PJM JOA Revisions to be effective 6/22/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5135.
Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: ER16–1486–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to MISO–PJM JOA re: MI-Ont PARS Congestion Mgmt to be effective 6/22/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5141.
Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: ER16–1487–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: First Revised Interconnection Service Agreement No. 3767, Queue No. AA1–078 to be effective 3/23/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5145.
Comments Due: 5 p.m. ET 5/13/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 22, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–10022 Filed 4–28–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–1465–000]

Palmco Power MI LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Palmco Power MI LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 11, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email

FERCOnlineSupport@ferc.gov or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 21, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–10137 Filed 4–28–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL16–51–000]

Beaver Dam Energy LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On April 22, 2016, the Commission issued an order in Docket No. EL16–51–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into the justness and reasonableness of Beaver Dam Energy LLC's reactive power rate schedule. *Beaver Dam Energy LLC,* 155 FERC ¶ 61,086 (2016).

The refund effective date in Docket No. EL16–51–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Dated: April 22, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–10024 Filed 4–28–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–863–000.
Applicants: Northwest Pipeline LLC.
Description: § 4(d) Rate Filing: NWP Non-Conforming Agreements—Cascade 100304 & 141193 to be effective 5/23/2016.
Filed Date: 4/21/16.
Accession Number: 20160421–5156.
Comments Due: 5 p.m. ET 5/3/16.

Docket Numbers: RP16–864–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Compliance filing Modernization II Implementation Filing—RP16–314 to be effective 5/1/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5142.
Comments Due: 5 p.m. ET 5/4/16.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP16–608–001.
Applicants: ANR Pipeline Company.
Description: Compliance filing Compliance to Docket No. RP16–608–000 to be effective 4/1/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5007.
Comments Due: 5 p.m. ET 5/4/16.

Docket Numbers: RP16–657–001.
Applicants: Dominion Transmission, Inc.
Description: Compliance filing DTI—RP16–657 Nonconforming Service Agreement Compliance Filing to be effective 4/1/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5043.
Comments Due: 5 p.m. ET 5/4/16.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 25, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–10082 Filed 4–28–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG16–88–000.
Applicants: Blythe Solar II, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Blythe Solar II, LLC.
Filed Date: 4/25/16.
Accession Number: 20160425–5232.
Comments Due: 5 p.m. ET 5/16/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2997–004; ER12–2178–015; ER10–2172–027; ER14–2144–006; ER12–2311–014; ER10–3003–004; ER10–2179–031; ER11–2016–020; ER10–2184–026; ER10–1048–024; ER10–2192–027; ER15–1537–004; ER15–1539–004; ER11–2056–020; ER10–2178–027; ER14–1524–007; ER11–2014–023; ER11–2013–023; ER10–3308–024; ER10–3018–004; ER10–3015–004; ER10–1020–022; ER13–1536–011; ER10–1078–022; ER10–1080–022; ER11–2010–024; ER10–1081–023; ER15–2293–001; ER10–3016–004; ER14–2145–005; ER10–2180–026; ER12–2201–014; ER11–2011–023; ER12–2528–013; ER11–2009–023; ER11–3989–019; ER10–2181–031; ER10–1143–023; ER10–2992–004; ER10–3030–004; ER10–2990–004; ER10–2182–031; ER10–1829–002; ER11–2007–020; ER12–1223–019; ER11–2005–023.
Applicants: Atlantic City Electric Company, AV Solar Ranch 1, LLC, Baltimore Gas and Electric Company, Beebe 1B Renewable Energy, LLC, Beebe Renewable Energy, LLC, Bethlehem Renewable Energy LLC, Calvert Cliffs Nuclear Power Plant, LLC, Cassia Gulch Wind Park, LLC, CER Generation, LLC, Commonwealth Edison Company, Constellation Energy Commodities Group Maine, LLC, Constellation Energy Services, Inc., Constellation Energy Services of New York, Inc., Constellation Mystic Power, LLC, Constellation NewEnergy, Inc., Constellation Power Source Generation, LLC, Cow Branch Wind Power, LLC, CR Clearing, LLC, Criterion Power Partners, LLC, Delmarva Power & Light Company, Eastern Landfill Gas, LLC, Exelon Framingham, LLC, Exelon Generation Company, LLC, Exelon New Boston, LLC, Exelon West Medway, LLC, Exelon Wind 4, LLC, Exelon Wyman, LLC, Fair Wind Power Partners, LLC, Fauquier Landfill Gas, LLC, Fourmile Wind Energy, LLC, Handsome Lake Energy, LLC, Harvest II Windfarm, LLC, Harvest WindFarm, LLC, High Mesa Energy, LLC, Michigan Wind 1, LLC, Michigan Wind 2, LLC, Nine Mile Point Nuclear Station, LLC, PECO Energy Company, Pepco Energy Services, Inc., Potomac

Electric Power Company, Potomac Power Resources, LLC, R.E. Ginna Nuclear Power Plant, LLC, Shooting Star Wind Project, LLC, Tuana Springs Energy, LLC, Wildcat Wind, LLC, Wind Capital Holdings, LLC.

Description: Notice of Change in Status of the Exelon MBR Entities, et al.

Filed Date: 4/22/16.

Accession Number: 20160422–5293.

Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: ER15–2679–004.

Applicants: Latigo Wind Park, LLC.

Description: Notice of Non-Material Change in Status of Latigo Wind Park, LLC.

Filed Date: 4/25/16.

Accession Number: 20160425–5190.

Comments Due: 5 p.m. ET 5/16/16.

Docket Numbers: ER16–1492–000.

Applicants: NorthWestern Corporation.

Description: Initial rate filing: SA 779—Relocation Agreement with Stillwater County—West Rosebud Creek Road to be effective 4/26/2016.

Filed Date: 4/25/16.

Accession Number: 20160425–5127.

Comments Due: 5 p.m. ET 5/16/16.

Docket Numbers: ER16–1493–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Amend LGIA Big Sky Solar Project to be effective 4/26/2016.

Filed Date: 4/25/16.

Accession Number: 20160425–5159.

Comments Due: 5 p.m. ET 5/16/16.

Docket Numbers: ER16–1494–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: 2016 Revised Added Facilities Rate under TO—Filing No. 2 to be effective 1/1/2016.

Filed Date: 4/25/16.

Accession Number: 20160425–5174.

Comments Due: 5 p.m. ET 5/16/16.

Docket Numbers: ER16–1495–000.

Applicants: Empire State Connector Corporation.

Description: Application for Authority to Sell Transmission Rights at Negotiated Rates of Empire State Connector Corporation.

Filed Date: 4/25/16.

Accession Number: 20160425–5221.

Comments Due: 5 p.m. ET 5/16/16.

Docket Numbers: ER16–1496–000.

Applicants: Canadian Hills Wind, LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/25/2016.

Filed Date: 4/25/16.

Accession Number: 20160425–5264.

Comments Due: 5 p.m. ET 5/16/16.

Docket Numbers: ER16–1497–000.

Applicants: Comanche Solar PV, LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/25/2016.

Filed Date: 4/25/16.

Accession Number: 20160425–5265.

Comments Due: 5 p.m. ET 5/16/16.

Docket Numbers: ER16–1498–000.

Applicants: South Carolina Electric & Gas Company.

Description: § 205(d) Rate Filing: Orangeburg PSA Depreciation Update Filing to be effective 4/25/2016.

Filed Date: 4/25/16.

Accession Number: 20160425–5284.

Comments Due: 5 p.m. ET 5/16/16.

Docket Numbers: ER16–1499–000.

Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: ComEd submits revisions to OATT Att. H–13A re: Recovery for Loretto-Wilton Proj to be effective 4/25/2016.

Filed Date: 4/25/16.

Accession Number: 20160425–5287.

Comments Due: 5 p.m. ET 5/16/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 25, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–10081 Filed 4–28–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC16–78–000.

Applicants: Tonopah Solar Energy, LLC.

Description: Supplement to February 24, 2016 Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action of Tonopah Solar Energy, LLC.

Filed Date: 3/17/16.

Accession Number: 20160317–5039.

Comments Due: 5 p.m. ET 3/28/16.

Docket Numbers: EC16–88–000.

Applicants: The Empire District Electric Company, Liberty Utilities (Central) Co.

Description: Application for Authorization for Disposition of Jurisdictional Facilities of The Empire District Electric Company, *et al.*

Filed Date: 3/16/16.

Accession Number: 20160316–5175.

Comments Due: 5 p.m. ET 4/6/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1776–006; ER14–474–004.

Applicants: Broken Bow Wind II, LLC, Sempra Generation, LLC.

Description: Supplement to December 14, 2015 Updated Market Power Analysis for the Southwest Power Pool Region of Broken Bow Wind II, LLC, *et al.*

Filed Date: 3/16/16.

Accession Number: 20160316–5172.

Comments Due: 5 p.m. ET 4/6/16.

Docket Numbers: ER15–1882–002.

Applicants: PSEG Energy Resources & Trade LLC.

Description: Compliance filing: Filing in compliance with Feb. 24, 2016 Letter Order to be effective 1/7/2016.

Filed Date: 3/17/16.

Accession Number: 20160317–5036.

Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–815–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2016–03–16—Amendment to Ramp True-up Filing to be effective 5/1/2016.

Filed Date: 3/16/16.

Accession Number: 20160316–5150.

Comments Due: 5 p.m. ET 3/31/16.

Docket Numbers: ER16–1209–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: CDWR Work Performance Agreement for the Thermalito Power Plant (SA 275) to be effective 3/17/2016.

Filed Date: 3/16/16.

Accession Number: 20160316–5158.

Comments Due: 5 p.m. ET 4/6/16.

Docket Numbers: ER16–1210–000.

Applicants: Idaho Power Company.

Description: Initial rate filing: BPA Conditional Firm Service Agreements to be effective 7/1/2016.

Filed Date: 3/16/16.
Accession Number: 20160316–5159.
Comments Due: 5 p.m. ET 4/6/16.

Docket Numbers: ER16–1211–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2016–03–17_SA 2906 IPL–IPL GIA (J401) to be effective 3/18/2016.
Filed Date: 3/17/16.
Accession Number: 20160317–5052.
Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–1212–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: First Revised Service Agreement No. 3638; Queue Position AA1–101 to be effective 2/16/2016.
Filed Date: 3/17/16.
Accession Number: 20160317–5087.
Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–1213–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NYISO 205: Behind the Meter Net Generation to be effective 5/19/2016.
Filed Date: 3/17/16.
Accession Number: 20160317–5090.
Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–1214–000.
Applicants: FirstEnergy Solutions Corp.
Description: Request of FirstEnergy Solutions Corp. for Authorization to Make Wholesale Power Sales to Affiliated Utility, West Penn Power Company (10–26–15).
Filed Date: 3/17/16.
Accession Number: 20160317–5104.
Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–1215–000.
Applicants: FirstEnergy Solutions Corp.
Description: Request of FirstEnergy Solutions Corp. for Authorization to Make Wholesale Power Sales to Affiliated Utility, West Penn Power Company (1–19–16).
Filed Date: 3/17/16.
Accession Number: 20160317–5110.
Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–1216–000.
Applicants: FirstEnergy Solutions Corp.
Description: Request of FirstEnergy Solutions Corp. for Authorization to Make Wholesale Power Sales to Affiliated Utility, The Potomac Edison Company (4–20–15).
Filed Date: 3/17/16.
Accession Number: 20160317–5146.
Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–1217–000.
Applicants: FirstEnergy Solutions Corp.
Description: Request of FirstEnergy Solutions Corp. for Authorization to Make Wholesale Power Sales to Affiliated Utility, The Potomac Edison Company (10–21–15).
Filed Date: 3/17/16.
Accession Number: 20160317–5149.
Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–1218–000.
Applicants: BE CA LLC.
Description: § 205(d) Rate Filing: Seller Category Change to be effective 5/17/2016.
Filed Date: 3/17/16.
Accession Number: 20160317–5158.
Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–1219–000.
Applicants: J.P. Morgan Ventures Energy Corporation.
Description: § 205(d) Rate Filing: Change in Seller Category to be effective 5/17/2016.
Filed Date: 3/17/16.
Accession Number: 20160317–5159.
Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–1220–000.
Applicants: Utility Contract Funding, L.L.C.
Description: § 205(d) Rate Filing: Seller Category Change to be effective 5/17/2016.
Filed Date: 3/17/16.
Accession Number: 20160317–5160.
Comments Due: 5 p.m. ET 4/7/16.

Docket Numbers: ER16–1221–000.
Applicants: FirstEnergy Solutions Corp.
Description: Request of FirstEnergy Solutions Corp. for Authorization to Make Wholesale Power Sales to Affiliated Utility, The Potomac Edison Company (6–10–15).
Filed Date: 3/17/16.
Accession Number: 20160317–5161.
Comments Due: 5 p.m. ET 4/7/16.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF16–547–000.
Applicants: Regents of the University of Minnesota.
Description: Form 556 of Regents of the University of Minnesota.
Filed Date: 3/16/16.
Accession Number: 20160316–5077.
Comments Due: None Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 17, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–10079 Filed 4–28–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–1410–000]

Torofino Trading LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Torofino Trading LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 11, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 21, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–10157 Filed 4–28–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2633–024; ER10–2570–024; ER10–2717–024; ER10–3140–023; ER13–55–014.

Applicants: Birchwood Power Partners, L.P., Shady Hills Power Company, L.L.C., EFS Parlin Holdings, LLC, Inland Empire Energy Center, LLC, Homer City Generation, L.P.

Description: Notice of Non-Material Change in Status of the GE Companies, et al.

Filed Date: 4/21/16.

Accession Number: 20160421–5167.

Comments Due: 5 p.m. ET 5/12/16.

Docket Numbers: ER10–3117–006; ER10–3115–004; ER13–445–007; ER14–2823–005; ER11–4060–007; ER11–4061–007; ER15–1170–003; ER15–1171–003; ER15–1172–003; ER15–1173–003; ER10–3300–011.

Applicants: Lea Power Partners, LLC, Waterside Power LLC, Badger Creek Limited, Double C Generation Limited Partnership, High Sierra Limited, Kern Front Limited, Bear Mountain Limited, Chalk Cliff Limited, Live Oak Limited, McKittrick Limited, La Paloma Generating Company, LLC.

Description: Notice of Change in Status Lea Power Partners, LLC, et. al.

Filed Date: 4/21/16.

Accession Number: 20160421–5187.

Comments Due: 5 p.m. ET 5/12/16.

Docket Numbers: ER16–1153–001.

Applicants: Breadbasket LLC.

Description: Tariff Amendment: Amended MBR Filing to be effective 5/12/2016.

Filed Date: 4/21/16.

Accession Number: 20160421–5154.

Comments Due: 5 p.m. ET 5/12/16.

Docket Numbers: ER16–1398–001.

Applicants: Provision Power & Gas, LLC.

Description: Tariff Amendment: Market-Based Rates Tariff to be effective 5/1/2016.

Filed Date: 4/21/16.

Accession Number: 20160421–5152.

Comments Due: 5 p.m. ET 5/12/16.

Docket Numbers: ER16–1483–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2016–04–21 Frequency Response Tariff Amendment to be effective 6/21/2016.

Filed Date: 4/21/16.

Accession Number: 20160421–5157.

Comments Due: 5 p.m. ET 5/12/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 22, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–10021 Filed 4–28–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR16–47–000.

Applicants: Public Service Company of Colorado.

Description: Tariff filing per 284.123(e)/.224: 20160415_PSCo Gas Tariff Cancellation to be effective 4/15/2016; Filing Type: 800.

Filed Date: 4/15/2016.

Accession Number: 201604155183.

Comments/Protests Due: 5 p.m. ET 5/6/16.

Docket Number: PR16–48–000.

Applicants: ONEOK WesTex Transmission, L.L.C.

Description: Tariff filing per 284.123(b)(1) + (g): Petition for Approval of Firm Transportation Service Rate under NGPA Section 311 to be effective 4/1/2016; Filing Type: 1300.

Filed Date: 4/15/2016.

Accession Number: 201604155222.

Comments Due: 5 p.m. ET 5/6/16.

284.123(g) Protests Due: 5 p.m. ET 6/14/16.

Docket Number: PR16–49–000.

Applicants: ONEOK WesTex Transmission, L.L.C.

Description: Tariff filing per 284.123(b)(1) + (g): Petition for Approval of Interruptible Transportation Service Rate to be effective 5/1/2016; Filing Type: 1300.

Filed Date: 4/15/2016.

Accession Number: 201604155249.

Comments Due: 5 p.m. ET 5/6/16.

284.123(g) Protests Due: 5 p.m. ET 6/14/16.

Docket Numbers: RP16–859–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: § 4(d) Rate Filing: SS–2 Inventory Adjustment Filing (2016) to be effective 5/1/2016.

Filed Date: 4/19/16.

Accession Number: 20160419–5036.

Comments Due: 5 p.m. ET 5/2/16.

Docket Numbers: RP16–860–000.

Applicants: Pine Prairie Energy Center, LLC.

Description: § 4(d) Rate Filing: Pine Prairie Energy Center, LLC—Filing of Tariff Changes to be effective 5/19/2016.

Filed Date: 4/19/16.

Accession Number: 20160419–5067.

Comments Due: 5 p.m. ET 5/2/16.

Docket Numbers: RP16–861–000.

Applicants: Bluewater Gas Storage, LLC.

Description: § 4(d) Rate Filing: Bluewater Gas Storage, LLC—Filing of Tariff Changes to be effective 5/19/2016.

Filed Date: 4/19/16.

Accession Number: 20160419–5070.

Comments Due: 5 p.m. ET 5/2/16.

Docket Numbers: RP16–862–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Apr2016 Negotiated Rate and Non-conforming Agreements Cleanup to be effective 5/20/2016.
Filed Date: 4/20/16.
Accession Number: 20160420–5045.
Comments Due: 5 p.m. ET 5/2/16.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP16–442–001.
Applicants: Honeoye Storage Corporation.
Description: Compliance filing April 2016 Adoption of NAESB Version 3.0 Amended to be effective 4/1/2016.
Filed Date: 4/15/16.
Accession Number: 20160415–5139.
Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: RP16–521–001.
Applicants: MIGC LLC.
Description: Compliance filing NAESB V3.0 April 18 Compliance to be effective 4/1/2016.
Filed Date: 4/19/16.
Accession Number: 20160419–5079.
Comments Due: 5 p.m. ET 5/2/16.

Docket Numbers: RP16–556–001.
Applicants: Freebird Gas Storage, L.L.C.
Description: Compliance filing Freebird Gas Storage, L.L.C., Compliance Filing, Docket No. RP16–556–001 to be effective 4/1/2016.
Filed Date: 4/19/16.
Accession Number: 20160419–5077.
Comments Due: 5 p.m. ET 5/2/16.

Docket Numbers: RP16–557–001.
Applicants: Caledonia Energy Partners, L.L.C.
Description: Compliance filing Caledonia Energy Partners, L.L.C., Compliance Filing, Docket No. RP16–557–001 to be effective 4/1/2016.
Filed Date: 4/19/16.
Accession Number: 20160419–5076.
Comments Due: 5 p.m. ET 5/2/16.

Docket Numbers: RP16–729–001.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Compliance filing GT&C Section 49—Available Firm Capacity Posting Procedure—Compliance Filg to be effective 4/18/2016.
Filed Date: 4/19/16.
Accession Number: 20160419–5125.
Comments Due: 5 p.m. ET 5/2/16.

Docket Numbers: RP15–1237–001.
Applicants: Venice Gathering System, L.L.C.
Description: Report Filing: Updated Statements.
Filed Date: 4/20/16.
Accession Number: 20160420–5133.
Comments Due: 5 p.m. ET 5/2/16.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 21, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–10023 Filed 4–28–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC16–106–000.
Applicants: Covanta Union, LLC.
Description: Application of Covanta Union, LLC for Authority to Transfer Jurisdictional Facilities and Request for Expedited Consideration and Waiver.
Filed Date: 4/22/16.
Accession Number: 20160422–5235.
Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: EC16–107–000.
Applicants: Greenleaf Energy Unit 1 LLC, Natgas Greenleaf Holdings, LLC.
Description: Joint Application of Greenleaf Energy Unit 1 LLC, et al. for Authorization Under FPA Section 203 and Request for Confidential Treatment, Expedited Consideration, and Waivers.
Filed Date: 4/22/16.
Accession Number: 20160422–5285.
Comments Due: 5 p.m. ET 5/13/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1151–002.
Applicants: Maine GenLead, LLC.
Description: Notice of Change in Fact of Maine GenLead, LLC.
Filed Date: 4/22/16.
Accession Number: 20160422–5245.
Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: ER16–1488–000.
Applicants: Nevada Power Company.
Description: § 205(d) Rate Filing: Service Agreement No. 15–00055 NPC–NPC 2nd Amdmt Dry Lake to be effective 4/18/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5179.
Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: ER16–1489–000.
Applicants: North Star Gas Company LLC.
Description: Baseline eTariff Filing: North Star Gas Baseline Electric Tariff Filing to be effective 5/23/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5216.
Comments Due: 5 p.m. ET 5/13/16.

Docket Numbers: ER16–1490–000.
Applicants: Madison Gas and Electric Company.
Description: § 205(d) Rate Filing: Certificates of Concurrence to be effective 6/22/2016.
Filed Date: 4/22/16.
Accession Number: 20160422–5222.
Comments Due: 5 p.m. ET 5/13/16.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF15–793–000; QF15–794–000; QF15–795–000.
Applicants: SunE B9 Holdings, LLC.
Description: Refund Report of SunE B9 Holdings, LLC.
Filed Date: 4/22/16.
Accession Number: 20160422–5278.
Comments Due: 5 p.m. ET 5/16/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 25, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–10080 Filed 4–28–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9026–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements

Filed 04/18/2016 Through 04/22/2016

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20160082, Draft, NPS, CA, Vista Grande Drainage Basin Improvement Project, Comment Period Ends: 07/01/2016, Contact: Steven Ortega 415–561–4955

EIS No. 20160083, Final, USACE, TX, Surface Coal and Lignite Mining, Review Period Ends: 05/31/2016, Contact: Darvin Messer 817–886–1744

EIS No. 20160084, Final, USACE, NC, Town of Ocean Isle Beach Shoreline Management Project, Review Period Ends: 05/31/2016, Contact: Tyler Crumbley 910–251–4170

EIS No. 20160085, Draft, USFWS, WY, Eagle Take Permits for the Chokecherry and Sierra Madre Phase I Wind Energy Project, Comment Period Ends: 06/27/2016, Contact: Louise Galiher 303–236–8677

EIS No. 20160086, Draft, Caltrans, CA, Interstate 10 Corridor Project, Comment Period Ends: 06/13/2016, Contact: Aaron Burton 909–383–2841

EIS No. 20160087, Draft, USACE, SC, Navy Base Intermodal Container Transfer Facility, North Charleston, Comment Period Ends: 06/13/2016, Contact: Dr. Richard L. Darden 843–329–8043

EIS No. 20160088, Final, USFS, CA, Rim Fire Reforestation, Review Period Ends: 06/13/2016, Contact: Maria Benech (209) 532–3671

EIS No. 20160089, Draft, FERC, OH, Leach and Rayne Xpress Expansion Projects, Comment Period Ends: 06/13/2016, Contact: Juan Polit 202–502–8652

EIS No. 20160090, Final, NRC, PA, Combined License for the Bell Bend Nuclear Power Plant, Review Period Ends: 05/31/2016, Contact: Tomeka Terry 301–415–1488

Amended Notices

EIS No. 20160062, Draft, ARS, ID, U.S. Sheep Experiment Station Grazing and Associated Activities Project, Comment Period Ends: 06/16/2016, Contact: Christine Handler 559–920–2188, Revision to the FR Notice Published; Extending the Comment Period from 05/02/2016 to 06/16/2016

Dated: April 26, 2016.

Karin Leff,

Acting Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2016–10078 Filed 4–28–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–ORD–2016–0196; FRL–9945–79–ORD]

Updates to the Demographic and Spatial Allocation Models To Produce Integrated Climate and Land Use Scenarios Version 2

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a 30-day public comment period for the draft document titled, "Updates to the Demographic and Spatial Allocation Models to Produce Integrated Climate and Land Use Scenarios (ICLUS) Version 2" (EPA/600/R–14/324). EPA is also announcing that Versar, Inc., an EPA contractor for external scientific peer review, will select four independent experts from a pool of eight to conduct a letter peer review of the same draft document. The document was prepared by the National Center for Environmental Assessment within EPA's Office of Research and Development. This document describes the development of version 2 of Integrated Climate and Land Use Scenarios (ICLUS), including updates to data sets and the demographic and spatial allocation models.

EPA intends to forward the public comments that are submitted in accordance with this document to the external peer reviewers for their consideration during the letter peer review. When finalizing the draft documents, EPA intends to consider any public comments received in response to this document. EPA is releasing this draft document for the purposes of public comment and peer review. This draft document is not final as described in EPA's information quality guidelines and does not represent and should not be construed to represent Agency policy or views.

The draft document is available via the Internet on EPA's Risk Web page under the Recent Additions at *http://www.epa.gov/risk.*

DATES: The document will be available on April 29, 2016.

ADDRESSES: The draft report, "Updates to the Demographic and Spatial Allocation Models to Produce Integrated Climate and Land Use Scenarios (ICLUS) Version 2," is available primarily via the Internet on the Ecological Risk Assessment Products and Publications Web page at *http://www.epa.gov/risk/ecological-risk-assessment-products-and-publications.* A limited number of paper copies are available from the Information Management Team, NCEA; telephone: 703–347–8561; facsimile: 703–347–8691. If you are requesting a paper copy, please provide your name, mailing address, and the document title.

FOR FURTHER INFORMATION CONTACT: For information on the public comment period, contact the ORD Docket at the EPA Headquarters Docket Center; telephone: 202–566–1752; facsimile: 202–566–9744; or email: *Docket_ORD@epa.gov.*

For technical information, contact Britta Bierwagen, NCEA; telephone: 703–347–8613; facsimile: 703–347–8694; or email: *bierwagen.britta@epa.gov.*

SUPPLEMENTARY INFORMATION:

Information About the Project/Document

The first version of the Integrated Climate and Land Use Scenarios (ICLUS) project modeled population, residential development, and impervious surface cover changes by decade to the year 2100 consistent with four global carbon emissions storylines and a baseline. The current report discusses improvements to the underlying models of ICLUS that result in version 2 (v2). ICLUS v2 is consistent with updated global socioeconomic scenarios (*e.g.,* Shared Socioeconomic Pathways (SSPs)) and new global climate change model targets (*e.g.,* Representative Concentration Pathways (RCPs)). Improvements include the use of updated population and land use/cover data sets, integration of changing climate variables within the migration model, inclusion of transportation network capacity and its increase over time, growth in commercial and industrial land uses, and the use of population density-driven demands for growth of residential housing, commercial development, and industry.

This report demonstrates the effect of these improvements by comparing national and regional results among the SSP and RCP combinations used and the two climate models selected. ICLUS v2 shows differences in population migration patterns by including climate variables that change over time rather than ones that are static. Additionally, changing commercial and industrial land uses can drive patterns of new urban growth that have consequences for many environmental endpoints. Therefore, ICLUS v2 is better suited to explore scenarios of climate change impacts, vulnerability, and adaptation options, including the use of ICLUS v2 outputs in models projecting emissions from developed land uses and consequences for water and air quality endpoints, as well as human health.

Dated: April 11, 2016.

Mary A. Ross,

Deputy Director, National Center for Environmental Assessment.

[FR Doc. 2016–09860 Filed 4–28–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the notices must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 16, 2016.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Univest Corporation of Pennsylvania*, Souderton, Pennsylvania; to acquire at least 46 percent of the voting shares of Philadelphia Mortgage Advisors, Plymouth Meeting, Pennsylvania, and thereby engage in activities related to extending credit, pursuant to section 225.28(b)(1).

Board of Governors of the Federal Reserve System, April 26, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–10103 Filed 4–28–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C.§ 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED
FEBRUARY 1, 2016 THRU FEBRUARY 9, 2016

		02/01/2016
20160577	G	Raymond James Financial, Inc.; Deutsche Bank AG; Raymond James Financial, Inc.
20160610	G	Globetrotter Co-Investment A LP; WS Holdings, Inc. c/o The Carlyle Group; Globetrotter Co-Investment A LP.
20160623	G	Engineered Floors, LLC; James R. Jolly; Engineered Floors, LLC.
20160631	G	Glenview Institutional Partners, L.P.; Tenet Healthcare Coporation; Glenview Institutional Partners, L.P.
20160632	G	Glenview Capital Opportunity Fund, L.P.; Tenet Healthcare Coporation; Glenview Capital Opportunity Fund, L.P.
20160633	G	Glenview Offshore Opportunity Fund, Ltd.; Tenet Healthcare Coporation; Glenview Offshore Opportunity Fund, Ltd.
20160634	G	Glenview Capital Partners (Cayman), Ltd.; Tenet Healthcare Coporation; Glenview Capital Partners (Cayman), Ltd.
20160636	G	Michael S. Dell; Asbury Automotive Group, Inc.; Michael S. Dell.
20160638	G	OCP Trust; Forefront Management Holdings, LLC; OCP Trust.
20160643	G	Panasonic Corporation; Clayton Dubilier & Rice Fund VIII, L.P.; Panasonic Corporation.
20160647	G	Parexel International Corporation; Mark S. Speers and Paula Ness Speers; Parexel International Corporation.
20160649	G	Mr. Wang Jianlin; Legend Pictures, LLC; Mr. Wang Jianlin.
20160659	G	Bird 1995 Trust; Concho Resources, Inc.; Bird 1995 Trust.
		02/02/2016
20160407	G	Atlantic Tele-Network, Inc.; National Rural Utilities Cooperative Finance Corporation; Atlantic Tele-Network, Inc.

EARLY TERMINATIONS GRANTED—Continued
FEBRUARY 1, 2016 THRU FEBRUARY 9, 2016

02/04/2016		
20160463	G	Texas Competitive Electric Holdings Company LLC; NextEra Energy, Inc.; Texas Competitive Electric Holdings Company LLC.
20160658	G	ABRY Partners VIII, L.P.; Domied Investments Inc.; ABRY Partners VIII, L.P.
02/05/2016		
20160612	G	Almirall, S.A.; ThermiGen Holdings, Inc.; Almirall, S.A.
20160627	G	IHS Inc.; UCG Holdings Limited Partnership; IHS Inc.
20160639	G	Acquiline Financial Services Fund III, L.P.; Southwest Frontier, LP; Acquiline Financial Services Fund III, L.P.
20160644	G	PAR Investment Partners, L.P.; United Continental Holdings, Inc.; PAR Investment Partners, L.P.
20160660	G	Yahui Zhou; Joel Simkhai; Yahui Zhou.
20160664	G	Oak Hill Capital Partners IV (Onshore), L.P.; Robert J. Lothenbach; Oak Hill Capital Partners IV (Onshore), L.P.
20160679	G	Olympus Growth Fund VI, L. P.; G.E.T. Enterprises, LLC; Olympus Growth Fund VI, L. P.
20160688	G	Archer-Daniels-Midland Company; William J. Burke, Jr. Soy GRAT dated 9/28/12; Archer-Daniels-Midland Company.
02/08/2016		
20160665	G	DNS Venture Partners, LLC; IMI Holding Corp.; DNS Venture Partners, LLC.
20160667	G	Familie Julius Thyssen; Michael Toporek; Familie Julius Thyssen.
02/09/2016		
20160629	G	Mylan N.V.; Momenta Pharmaceuticals, Inc.; Mylan N.V.
20160672	G	CDC Holdings, L.P.; TA XI L.P.; CDC Holdings, L.P.
20160692	G	Sunoco LP; Energy Transfer Equity, L.P.; Sunoco LP.
02/10/2016		
20160669	G	China National Chemical Corporation; Onex Partners III International LP; China National Chemical Corporation.
20160676	G	Cerberus Institutional Partners, L. P.; Trican Well Service Ltd.; Cerberus Institutional Partners, L. P.
20160703	G	William Clay Ford, Jr.; Ford Motor Company; William Clay Ford, Jr.
02/11/2016		
20160666	G	AptarGroup Inc.; Mega96 GmbH & Co. KG; AptarGroup Inc.
02/12/2016		
20160602	G	VALEO SA; Andreas Peiker; VALEO SA.
20160622	G	Computer Sciences Corporation; Xchanging plc; Computer Sciences Corporation.
20160694	G	Telenor ASA; Are Traasdahl; Telenor ASA.
20160697	G	AT&T Inc.; Softbank Group Corp.; AT&T Inc.
20160698	G	Softbank Group Corp.; AT&T Inc.; Softbank Group Corp.
20160702	G	Select Medical Holdings Corporation; Physiotherapy Associates Holdings, Inc.; Select Medical Holdings Corporation.
20160714	G	Ingram Micro Inc.; Richard Boone; Ingram Micro Inc.
20160716	G	Arsenal Capital Partners III LP; Dr. Guanqiu Lu; Arsenal Capital Partners III LP.
20160721	G	Providence Equity Partners VII–A, LP; TopGolf International, Inc.; Providence Equity Partners VII–A, LP.
20160723	G	International Business Machines Corporation; Satellite RI, LLC; International Business Machines Corporation.
20160725	G	WPP plc; Stanley R. Woodland; WPP plc.
20160731	G	CalAmp Corp.; LoJack Corporation; CalAmp Corp.
02/17/2016		
20160504	G	Diebold, Incorporated; Wincor Nixdorf Aktiengesellschaft; Diebold, Incorporated.
20160653	G	GTCR Fund X/A LP; Communications Infrastructure Investments, LLC; GTCR Fund X/A LP.
20160726	G	G Holdings, Inc.; Icopal Limited; G Holdings, Inc.
20160728	G	Infra TM Investments Inc.; LMG2, LLC; Infra TM Investments Inc.
20160729	G	AMP Capital Investors (GIF Delaware2) L.P.; LMG2, LLC; AMP Capital Investors (GIF Delaware2) L.P.
02/18/2016		
20160674	G	Michael S. Dell; NorthStar Asset Management Group, Inc.; Michael S. Dell.
02/19/2016		
20160712	G	Elliott Associates, L.P.; Ansaldo STS S.p.A.; Elliott Associates, L.P.
20160715	G	Fiserv, Inc.; ACI Worldwide, Inc.; Fiserv, Inc.
20160738	G	Azim Premji; Water Street Healthcare Partners, L.P.; Azim Premji.
02/22/2016		
20151563	G	Lupin Ltd.; Kali Capital LP; Lupin Ltd.

EARLY TERMINATIONS GRANTED—Continued
FEBRUARY 1, 2016 THRU FEBRUARY 9, 2016

20151565	G	Lupin Ltd.; Veerappan Subramanian; Lupin Ltd.
20160724	G	ZAGG Inc; Daniel Huang; ZAGG Inc.
20160730	G	Centerbridge Capital Partners III, L.P.; Graeme R. Hart; Centerbridge Capital Partners III, L.P.
20160734	G	General Elecric Company; Steven Goldthwaite; General Elecric Company.
20160744	G	Dominion Resources, Inc.; Questar Corporation; Dominion Resources, Inc.
		02/24/2016
20160696	G	Veolia Environment S.A.; Kurion, Inc.; Veolia Environment S.A.
20160710	G	Sinclair Broadcast Group, Inc.; The Tennis Channel Holdings, Inc.; Sinclair Broadcast Group, Inc.
20160722	G	Legg Mason, Inc.; Mr. Gregg Hymowitz; Legg Mason, Inc.
20160745	G	TPO Venture Partners, LLC; Daniel L. Baker Family Trust; TPO Venture Partners, LLC.
		02/25/2016
20160677	G	Progressive Waste Solutions Ltd.; Waste Connections, Inc.; Progressive Waste Solutions Ltd.
20160733	G	Silergy Corp.; Maxim Integrated Products, Inc.; Silergy Corp.
20160746	G	Stryker Corporation; Madison Dearborn Capital Partners VI–B, L.P.; Stryker Corporation.
		02/26/2016
20151485	G	Hikma Pharmaceuticals PLC; C.H. Boehringer Sohn AG & Co. KG; Hikma Pharmaceuticals PLC.
20160690	G	Lightyear Fund III, L.P.; American International Group, Inc.; Lightyear Fund III, L.P.
20160735	G	Berkshire Fund VIII, L.P.; Mattress Firm Holding Corp.; Berkshire Fund VIII, L.P.
20160736	G	Stockbridge Fund, L.P.; Mattress Firm Holding Corp.; Stockbridge Fund, L.P.
20160751	G	LSF9 Stardust Holdings, LP; Wynnchurch Capital Partners III, L.P.; LSF9 Stardust Holdings, LP.
20160762	G	General Electric Company; Plains All American Pipeline, L.P.; General Electric Company.
20160765	G	Ivy Holdings, Inc.; Crozer-Keystone Health System; Ivy Holdings, Inc.
20160770	G	Oracle Corporation; Ravello Systems Ltd.; Oracle Corporation.
20160777	G	Intermediate Capital Group plc; VSS Communications Parallel Partners IV, L.P.; Intermediate Capital Group plc.
		02/29/2016
20160711	G	Communications Sales & Leasing, Inc.; Associated Partners, L.P.; Communications Sales & Leasing, Inc.
20160747	G	EQT VII (No. 1) Limited Partnership; Kuoni Travel Holding Ltd.; EQT VII (No. 1) Limited Partnership.
20160782	G	Terra Energy Partners LLC; WPX Energy, Inc.; Terra Energy Partners LLC.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry, Program Support Specialist, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024, (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2016–10050 Filed 4–28–16; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED
MARCH 1, 2016 THRU MARCH 31, 2016

		03/01/2016
20160741	G	Siemens Aktiengesellschaft; Sharron L. MacDonald; Siemens Aktiengesellschaft.
20160756	G	Sun Capital Partners V, L.P.; Vince Holding Corp.; Sun Capital Partners V, L.P.
20160763	G	DSW Inc.; David Tam Duong; DSW Inc.
20160764	G	DSW Inc.; Willard Ba Huynh; DSW Inc.

EARLY TERMINATIONS GRANTED—Continued
MARCH 1, 2016 THRU MARCH 31, 2016

03/02/2016		
20160727	G	Qingdao Haier Co., Ltd.; General Electric Company; Qingdao Haier Co., Ltd.
20160732	G	Total System Services, Inc.; Vista Equity Partners Fund V, L.P.; Total System Services, Inc.
20160757	G	Opus Bank; PENSCO Services, LLC; Opus Bank.
03/03/2016		
20160772	G	Microsoft Corporation; Xamarin Inc.; Microsoft Corporation.
03/04/2016		
20160755	G	Web.com Group, Inc.; Yodle, Inc.; Web.com Group, Inc.
20160771	G	GTCR Fund XI/A LP; Lytx, Inc.; GTCR Fund XI/A LP.
20160784	G	Genstar Capital Partners VII, L.P.; Athlaction Topco, LLC; Genstar Capital Partners VII, L.P.
20160789	G	Nautic Partners VII, L.P.; Dale Wollschleger; Nautic Partners VII, L.P.
20160794	G	Western Gas Partners, LP; Anadarko Petroleum Corporation; Western Gas Partners, LP.
20160801	G	Kleiner Perkins Caufield & Byers XIV, LLC; TESARO, Inc.; Kleiner Perkins Caufield & Byers XIV, LLC.
20160808	G	Highstar Capital IV Prism AIF, L.P.; Wildcat Midstream Partners LLC; Highstar Capital IV Prism AIF, L.P.
20160809	G	Cerberus Institutional Partners V, L.P.; Haggen Operations Holdings, LLC; Cerberus Institutional Partners V, L.P.
03/07/2016		
20160807	G	Suzhou Dongshan Precision Manufacturing Co., Ltd.; United Engineers Limited; Suzhou Dongshan Precision Manufacturing Co., Ltd.
20160810	G	Stryker Corporation; Bain Capital Fund X, L.P.; Stryker Corporation.
03/08/2016		
20160691	G	Platinum Equity Capital Partners III, L.P.; Lindsay Goldberg III L.P.; Platinum Equity Capital Partners III, L.P.
03/09/2016		
20160773	G	Cisco Systems, Inc.; Jasper Technologies, Inc.; Cisco Systems, Inc.
20160778	G	AP VIII Prime Security Services Holdings, L.P.; The ADT Corporation; AP VIII Prime Security Services Holdings, L.P.
20160819	G	Envision Healthcare Holdings, Inc.; Emergency Physicians Medical Group, P.C.; Envision Healthcare Holdings, Inc.
03/10/2016		
20160753	G	Kaiser Foundation Health Plan, Inc.; Group Health Cooperative; Kaiser Foundation Health Plan, Inc.
20160761	G	Tyco International plc; Johnson Controls, Inc.; Tyco International plc.
20160779	G	Carlyle Power Partners II, L.P.; IFM Global Infrastructure Fund; Carlyle Power Partners II, L.P.
20160787	G	Novartis AG; Transcend Medical, Inc.; Novartis AG.
20160804	G	Welsh, Carson, Anderson & Stowe XII, L.P.; Intuit Inc.; Welsh, Carson, Anderson & Stowe XII, L.P.
03/11/2016		
20160673	G	Microchip Technology Incorporated; Atmel Corporation; Microchip Technology Incorporated.
03/14/2016		
20160800	G	MPLX LP; Marathon Petroleum Corporation; MPLX LP.
20160812	G	Vista Outdoor Inc.; BRG Sports, LLC; Vista Outdoor Inc.
20160817	G	The Energy & Minerals Group Fund IV, LP; CONSOL Energy Inc.; The Energy & Minerals Group Fund IV, LP.
20160820	G	MKS Instruments, Inc.; Newport Corporation; MKS Instruments, Inc.
20160824	G	Wells Fargo & Company; West Star Aviation, Inc.; Wells Fargo & Company.
20160825	G	Helen of Troy Limited; James Collis; Helen of Troy Limited.
20160827	G	H.I.G. Middle Market LBO Fund II, L.P.; Intuit Inc.; H.I.G. Middle Market LBO Fund II, L.P.

EARLY TERMINATIONS GRANTED—Continued
MARCH 1, 2016 THRU MARCH 31, 2016

	03/15/2016	
20160758	G	TE Connectivity Ltd.; Permira IV Continuing L.P. 2; TE Connectivity Ltd.
	03/17/2016	
20160619	G	Boise Cascade Company; Koch Industries Inc; Boise Cascade Company.
	03/18/2016	
20160829	G	National General Holdings Corp.; Kramer-Wilson Company, Inc.; National General Holdings Corp.
20160830	G	ResMed Inc.; Battery Ventures VIII (AIV IV), L.P.; ResMed Inc.
20160841	G	TA XII–A L.P.; Bertram Growth Capital II, L.P.; TA XII–A L.P.
20160847	G	JFL Equity Investors IV, L.P.; API Technologies Corp.; JFL Equity Investors IV, L.P.
20160860	G	Roark Capital Partners III LP; Trivest Fund IV, L.P.; Roark Capital Partners III LP.
20160861	G	Lotte Chemical Corporation; Samsung SDI Co., Ltd.; Lotte Chemical Corporation.
	03/21/2016	
20160776	Y	Comcast Corporation; Time Warner Inc.; Comcast Corporation.
	03/22/2016	
20160781	G	Diamond Parent Holdings, Corp.; Diligent Corporation; Diamond Parent Holdings, Corp.
20160846	G	Kirby Corporation; SEACOR Holdings, Inc.; Kirby Corporation.
20160848	G	GTCR Fund XI/A LP; Vector Laboratories, Inc.; GTCR Fund XI/A LP.
	03/23/2016	
20160822	G	American Securities Partners VI, L.P.; Moelis Capital Partners Opportunity Fund I, LP; American Securities Partners VI, L.P.
20160844	G	The Doctors Company; Anthony J. Bonomo; The Doctors Company.
	03/24/2016	
20160839	G	Mr. Len Blavatnik; LyondellBasell Industries N.V.; Mr. Len Blavatnik.
	03/25/2016	
20160863	G	The Resolute Fund III, L.P.; Harbour Group Investments V, L.P.; The Resolute Fund III, L.P.
20160864	G	Sykes Enterprises, Incorporated; Pamlico Capital II, L.P.; Sykes Enterprises, Incorporated.
20160866	G	Longview Direct Equity Fund LLC; Comvest Investment Partners IV, L.P.; Longview Direct Equity Fund LLC.
20160867	G	BRH Holdings, L.P.; Apollo Investment Corporation; BRH Holdings, L.P.
20160868	G	BB&T Corporation; EC3 Union Holdings, Ltd.; BB&T Corporation.
20160870	G	General Motors Company; Cruise Automation, Inc.; General Motors Company.
20160872	G	Agrolimen, S.A.; Catterton Growth Partners, L.P.; Agrolimen, S.A.
20160873	G	Riverside Capital Appreciation Fund VI, L.P.; Wells Fargo & Company; Riverside Capital Appreciation Fund VI, L.P.
20160883	G	Apax VIII–B L.P.; Becton, Dickinson and Company; Apax VIII–B L.P.
20160891	G	Sumitomo Metal Mining Co., Ltd.; Freeport-McMoRan Inc.; Sumitomo Metal Mining Co., Ltd.
20160892	G	Green Equity Investors Side VI, L.P.; Ares Corporate Opportunities Fund III, L.P.; Green Equity Investors Side VI, L.P.
20160893	G	Green Equity Investors VI, L.P.; Ares Corporate Opportunities Fund III, L.P.; Green Equity Investors VI, L.P.
20160895	G	SK Capital Partners IV–A, L.P.; Johnson & Johnson; SK Capital Partners IV–A, L.P.
20160899	G	Apollo Crisp, L.P.; The Fresh Market, Inc.; Apollo Crisp, L.P.
	03/28/2016	
20160835	G	Elliott International Limited; Qlik Technologies Inc.; Elliott International Limited.
20160838	G	Elliott Associates, L.P.; Qlik Technologies Inc.; Elliott Associates, L.P.
20160889	G	Arsenal Capital Partners III, LP; Hickory Springs Manufacturing Company; Arsenal Capital Partners III, LP.
	03/29/2016	
20160798	G	Sterling Group Partners III, L.P.; Marubeni Corporation; Sterling Group Partners III, L.P.
20160806	G	Sterling Group Partners III, L.P.; DY Automotive, LLC; Sterling Group Partners III, L.P.
20160890	G	Enercare Inc.; American Capital, Ltd.; Enercare Inc.

EARLY TERMINATIONS GRANTED—Continued
MARCH 1, 2016 THRU MARCH 31, 2016

		03/30/2016
20160853	G	The Southern Company; PowerSecure International, Inc.; The Southern Company.
20160880	G	PGPC-Milestone LLC; Thompson Street Capital Partners II, L.P.; PGPC-Milestone LLC.
20160881	G	William C. Stone; SS&C Technologies Holdings, Inc.; William C. Stone.
		03/31/2016
20160879	G	ZMC II, L.P.; MSouth Equity Partners II, L.P.; ZMC II, L.P.
20160882	G	Arbor Realty Trust, Inc.; Ivan Kaufman; Arbor Realty Trust, Inc.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry, Program Support Specialist, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024, (202) 326–3100.

By direction of the Commission.

Donald S. Clark

Secretary.

[FR Doc. 2016–10049 Filed 4–28–16; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10286 and CMS–10488]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are require; to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: the necessity and utility of the proposed information collection for the proper performance of the agency's functions; The accuracy of the estimated burden; ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by June 28, 2016.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ________, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10286 Notice of Research Exception Under the Genetic Information Nondiscrimination Act

CMS–10488 Consumer Experience Survey Data Collection

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Notice of Research Exception under the Genetic Information Nondiscrimination Act; *Use:* Under the Genetic Information Nondiscrimination Act of 2008 (GINA), a plan or issuer may request (but not require) a genetic test in connection with certain research activities so long as such activities comply with specific requirements, including: (i) The research complies with 45 CFR part 46 or equivalent federal regulations and applicable State or local law or regulations for the protection of human subjects in research; (ii) the request for the participant or beneficiary (or in the case of a minor child, the legal guardian of such beneficiary) is made in writing and clearly indicates that compliance with the request is voluntary and that non-compliance will have no effect on

eligibility for benefits or premium or contribution amounts; and (iii) no genetic information collected or acquired will be used for underwriting purposes. The Secretary of Labor or the Secretary of Health and Human Services is required to be notified if a group health plan or health insurance issuer intends to claim the research exception permitted under Title I of GINA. Nonfederal governmental group health plans and issuers solely in the individual health insurance market or Medigap market will be required to file with the Centers for Medicare & Medicaid Services (CMS). The Notice of Research Exception under the Genetic Information Nondiscrimination Act is a model notice that can be completed by group health plans and health insurance issuers and filed with either the Department of Labor or CMS to comply with the notification requirement. *Form Number:* CMS–10286 (OMB Control Number 0938–1077); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 2; *Total Annual Responses:* 2; *Total Annual Hours:* 0.5. (For policy questions regarding this collection contact Russell Tipps at 301–492–4371).

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Consumer Experience Survey Data Collection; *Use:* Section 1311(c)(4) of the Affordable Care Act requires the Department of Health and Human Services (HHS) to develop an enrollee satisfaction survey system that assesses consumer experience with qualified health plans (QHPs) offered through an Exchange. It also requires public display of enrollee satisfaction information by the Exchange to allow individuals to easily compare enrollee satisfaction levels between comparable plans. HHS established the QHP Enrollee Experience Survey (QHP Enrollee Survey) to assess consumer experience with the QHPs offered through the Marketplaces. The survey include topics to assess consumer experience with the health care system such as communication skills of providers and ease of access to health care services. CMS developed the survey using the Consumer Assessment of Health Providers and Systems (CAHPS®) principles (*http://www.cahps.ahrq.gov/about.htm*) and established an application and approval process for survey vendors who want to participate in collecting QHP enrollee experience data.

The QHP Enrollee Survey, which is based on the CAHPS® Health Plan Survey, will (1) help consumers choose among competing health plans, (2) provide actionable information that the QHPs can use to improve performance, (3) provide information that regulatory and accreditation organizations can use to regulate and accredit plans, and (4) provide a longitudinal database for consumer research. CMS completed two rounds of developmental testing including 2014 psychometric testing and 2015 beta testing of the QHP Enrollee Survey. The psychometric testing helped determine psychometric properties and provided an initial measure of performance for Marketplaces and QHPs to use for quality improvement. Based on psychometric test results, CMS further refined the questionnaire and sampling design to conduct the 2015 beta test of the QHP Enrollee Survey. CMS obtained clearance for the national implementation of the QHP Enrollee Survey which is currently being conducted in 2016.

At this time, CMS is requesting approval of adding six disability status items required by section 4302 of the Affordable Care Act and that were tested during the 2014 psychometric testing of the QHP Enrollee Survey. With the addition of these six questions, the revised total estimated annual burden hours of national implementation of the QHP Enrollee Survey is 37,823 hours with 120,000 responses. The revised total annualized burden over three years for this requested information collection is 113,469 hours and the total average annualized number of responses is 315,045 responses. *Form Number:* CMS–10488 (OMB Control Number: 0938–1221); *Frequency:* Annually; *Affected Public:* Public sector (Individuals and Households), Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 120,000; *Total Annual Responses:* 120,000; *Total Annual Hours:* 37,823. (For policy questions regarding this collection contact Nidhi Singh Shah at 301–492–5110.)

Dated: April 26, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–10083 Filed 4–28–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10406, CMS–10572 and CMS–P–0015A]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by May 31, 2016.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR* Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.
2. Email your request, including your address, phone number, OMB number,

and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved information collection; *Title:* Probable Fraud Measurement Pilot; *Use:* The Centers for Medicare & Medicaid Services (CMS) is seeking Office of Management and Budget (OMB) approval of the collections required for a probable fraud measurement pilot. The probable fraud measurement pilot would establish a baseline estimate of probable fraud in payments for home health care services in the fee-for-service Medicare program. CMS and its agents will collect information from home health agencies, the referring physicians and Medicare beneficiaries selected in a national random sample of home health claims. The pilot will rely on the information collected along with a summary of the service history of the HHA, the referring provider, and the beneficiary to estimate the percentage of total payments that are associated with probable fraud and the percentage of all claims that are associated with probable fraud for Medicare fee-for-service home health. *Form Number:* CMS–10406 (OMB control number: 0938–1192); *Frequency:* Yearly; *Affected Public:* Individual and Private Sector—Business or other for-profits; *Number of Respondents:* 6,000; *Total Annual Responses:* 6,000; *Total Annual Hours:* 7,500. (For policy questions regarding this collection contact Cecilia Franco at (786) 313–0737.)

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title Information Collection:* Information Collection for Transparency in Coverage Reporting by Qualified Health Plan Issuers; *Use:* Section 1311(e)(3) of the Affordable Care Act requires issuers of Qualified Health Plans (QHPs), to make available and submit transparency in coverage data. This data collection would collect certain information from QHP issuers in Federally-facilitated Exchanges and State-based Exchanges that rely on the federal IT platform (*i.e.,* HealthCare.gov). HHS anticipates that consumers may use this information to inform plan selection.

Although this proposed data collection is limited to certain QHP issuers, HHS intends to phase in implementation for other entities over time. As stated in the final rule Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers (77 FR 18310; March 27, 2012), broader implementation (including under Public Health Service Act (PHS Act) 2715A), will continue to be addressed in separate rulemaking issued by HHS, the Department of Labor, and the Department of the Treasury (the Departments). For State-based Exchanges not addressed in the current proposal, standards will be proposed later.

Consistent with PHS Act section 2715A, which largely extends the transparency reporting provisions set forth in section 1311(e)(3) to non-grandfathered group health plans (including large group and self-insured health plans) and health insurance issuers offering group and individual health insurance coverage (non-QHP issuers), the Departments intend to propose other transparency reporting requirements, through a separate rulemaking, for non-QHP issuers and non-grandfathered group health plans. Those proposed reporting requirements may differ from those prescribed in the HHS proposal under section 1311(e)(3), and will take into account differences in markets and other relevant factors. Importantly, the Departments intend to streamline reporting under multiple reporting provisions and reduce unnecessary duplication. The Departments intend to implement any transparency reporting requirements applicable to non-QHP issuers and non-grandfathered group health plans only after notice and comment, and after giving those issuers and plans sufficient time, following the publication of final rules, to come into compliance with those requirements.

CMS received a total of 13 comments during the 60-day comment period (August 12, 2015, 80 FR 48320). *Form Number:* CMS–10572 (OMB control number: 0938–NEW); *Frequency:* Annually; *Affected Public:* Private Sector; *Number of Respondents:* 475; *Number of Responses:* 475; *Total Annual Hours:* 16,150. (For questions regarding this collection, contact Valisha Price at (301) 492–4343.)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Current Beneficiary Survey; *Use:* CMS is the largest single payer of health care in the United States. With full implementation of the Affordable Care Act of 2010 (ACA), the agency will play a direct or indirect role in administering health insurance coverage for more than 120 million people across the Medicare, Medicaid, CHIP, and Exchange populations. One of our critical aims is to be an effective steward, major force, and trustworthy partner in leading the transformation of the health care system. We also aim to provide Americans with high quality care and better health at lower costs through improvement. At the forefront of these initiatives is the newly formed Center for Medicare and Medicaid Innovation (CMMI).

The CMMI is authorized by Section 1115A of the Social Security Act, as established by section 3021 of the ACA and was established to "test innovative payment and service delivery models to reduce program expenditures while preserving or enhancing the quality of care furnished" to Medicare, Medicaid and CHIP beneficiaries. Implicit across all of CMMI activities is an emphasis on diffusion—finding and validating innovative models that have the potential to scale, facilitating rapid adoption, and letting them take root in organizations, health systems, and communities across America.

The Medicare Current Beneficiary Survey (MCBS) is the most comprehensive and complete survey available on the Medicare population and is essential in capturing data not otherwise collected through our operations. The MCBS is an in-person, nationally-representative, longitudinal survey of Medicare beneficiaries that we sponsor and is directed by the Office of Enterprise Data and Analytics (OEDA) in partnership with the CMMI. The survey captures beneficiary information whether aged or disabled, living in the community or facility, or serviced by managed care or fee-for-service. Data produced as part of the MCBS are enhanced with our administrative data (*e.g.* fee-for-service claims, prescription drug event data, enrollment, etc.) to provide users with more accurate and complete estimates of total health care costs and utilization. The MCBS has been continuously fielded for more than 20 years (encompassing over 1 million interviews), and consists of three annual interviews per survey participant.

The MCBS continues to provide unique insight into the Medicare program and helps CMS and our external stakeholders better understand and evaluate the impact of existing programs and significant new policy initiatives. In the past, MCBS data have been used to assess potential changes to the Medicare program. For example, the MCBS was instrumental in supporting the development and implementation of the Medicare prescription drug benefit by providing a means to evaluate prescription drug costs and out-of-pocket burden for these drugs to Medicare beneficiaries. The revision will streamline some questionnaire sections, add a few new measures, and update the wording of questions and response categories. Most of the revised questions reflect an effort to bring the MCBS questionnaire in line with other national surveys that have more current wording of questions and response categories with well-established measures. As a whole, these revisions do not change the respondent burden; there is a small increase in overall burden reflecting a program change to oversample small population groups. *Form Number:* CMS–P–0015A (OMB control number: 0938–0568); *Frequency:* Occasionally; *Affected Public:* Individuals or Households; *Number of Respondents:* 16,071; *Total Annual Responses:* 43,199; *Total Annual Hours:* 60,103. (For policy questions regarding this collection contact William Long at 410–786–7927.)

Dated: April 26, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–10084 Filed 4–28–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3329–FN]

Medicare and Medicaid Programs; Approval of the Institute for Medical Quality's Ambulatory Surgical Center Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the Institute for Medical Quality (IMQ) for recognition as a national accrediting organization for ambulatory surgical centers (ASCs) that wish to participate in the Medicare or Medicaid programs. An ASC that participates in Medicaid must also meet the Medicare conditions for coverage (CfCs) as required under our regulations.

DATES: This final notice is effective April 29, 2016 through April 29 2020.

FOR FURTHER INFORMATION CONTACT:

Lillian Williams, (410) 786–8636.
Monda Shaver, (410) 786–3410.
Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in an Ambulatory Surgical Center (ASC) provided certain requirements are met. Section 1832(a)(2)(F)(i) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as an ASC. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 416 specify the conditions that an ASC must meet in order to participate in the Medicare program, the scope of covered services and the conditions for Medicare payment for ASCs.

Generally, to enter into a Medicare provider agreement, an ASC must first be certified as complying with the conditions set forth in part 416 and be recommended to the Centers for Medicare & Medicaid Services (CMS) for participation by a state survey agency. Thereafter, the ASC is subject to periodic surveys by a state survey agency to determine whether it continues to meet these conditions. However, there is an alternative to certification surveys by state agencies. Accreditation by a nationally recognized Medicare accreditation program approved by CMS may substitute for both initial and ongoing state review.

Section 1865(a)(1) of the Act provides that if the Secretary of the Department of Health and Human Services finds that accreditation of a provider entity by an approved national accrediting organization meets or exceeds all applicable Medicare conditions, we may treat the provider entity as having met those conditions, that is, we may "deem" the provider entity to be in compliance. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

Part 488 subpart A, implements the provisions of section 1865 of the Act and requires that a national accrediting organization applying for approval of its Medicare accreditation program must provide CMS with reasonable assurance that the accrediting organization requires its accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.5.

II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS-approval of an accreditation program is conducted in a timely manner. The Act provides us 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

III. Provisions of the Proposed Notice

In the December 04, 2015 **Federal Register** (80 FR 75866), we published a proposed notice announcing the Institute for Medical Quality's (IMQ's) request for initial approval of its Medicare ASC accreditation program. In the December 04, 2015 proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and in our regulations at § 488.5, we conducted a review of IMQ's Medicare ASC accreditation application in accordance with the criteria specified by our regulations, which include, but are not limited to the following:

- An onsite administrative review of IMQ's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its ASC surveyors; (4) ability to investigate and respond appropriately to complaints against accredited ASCs; and (5) survey review and decision-making process for accreditation.
- The comparison of IMQ's Medicare ASC accreditation program standards to CMS' current Medicare ASC conditions for coverage (CfCs).
- A documentation review of ASC's survey process to:

++ Determine the composition of the survey team, surveyor qualifications, and IMQ's ability to provide continuing surveyor training.

++ Compare IMQ's processes to those we require of state survey agencies, including survey frequency and the ability to investigate and respond appropriately to complaints against accredited ASCs.

++ Evaluate IMQ's processes and procedures for monitoring ASCs it has found to be out of compliance with IMQ's program requirements. (This pertains only to monitoring procedures when IMQ identifies non-compliance. If noncompliance is identified by a state survey agency through a validation survey, the state survey agency monitors corrections as specified at § 488.9(c).)

++ Assess IMQ's ability to report deficiencies to the surveyed ASC and respond to the ASCs plan of correction in a timely manner.

++ Establish IMQ's ability to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ Determine the adequacy of IMQ's staff and other resources, and its financial viability.

++ Confirm IMQ's ability to provide adequate funding for performing required surveys.

++ Confirm IMQ's policies with respect to surveys being unannounced, to assure that surveys are unannounced.

++ Obtain IMQ's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the December 04, 2015 proposed notice also solicited public comments regarding whether IMQ's requirements met or exceeded the Medicare CfCs for ASCs. We received 10 comments in response to our proposed notice. All of the comments received expressed unanimous support for IMQ's ASC accreditation program.

IV. Provisions of the Final Notice

A. Differences Between IMQ's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared IMQ's ASC accreditation requirements and survey process with the Medicare CfCs of part 416, and the survey and certification process requirements of parts 488 and 489. Our review and evaluation of IMQ's ASC application, which were conducted as described in section III of this final notice, yielded the following areas where, as of the date of this notice, IMQ has revised its standards and certification processes to meet the requirements at:

- § 416.2, to ensure its Medicare ASC accreditation program applies to a single distinct entity and that each entity independently meets all of the requirements at part 416.
- § 416.41, to ensure the governing body assumes full legal responsibility of the ASC.
- § 416.41(a), to ensure all contracted services are provided in a safe and effective manner.
- § 416.41(b)(1) through (2), to ensure the ASC has an effective procedure for immediate transfer, to a local hospital, of patients requiring emergency medical care.
- § 416.41(b)(3)(ii), to remove chiropractors from its list of professionals that perform surgical procedures.
- § 416.41(c)(1) through (2), to address the ASCs responsibility to coordinate its emergency preparedness plan with state and local authorities.
- § 416.42, to ensure the ASC is responsible for performing its own complete process for granting privileges through the governing body.
- § 416.42(a)(1), to ensure all procedures performed in the ASC are documented in the patients' medical record and that a physician examine the patient before surgery to evaluate the risk of anesthesia and of the procedure to be performed.
- § 416.42(a)(2), to ensure that before discharge from the ASC, a physician or anesthetist as defined at § 410.69(b) evaluates the patient for proper anesthesia recovery.
- § 416.44, to ensure ASCs have a safe and sanitary environment, properly constructed, equipped, and maintained to protect the health and safety of patients.
- § 416.44(a)(2), to ensure ASCs have a separate recovery room and waiting area.
- § 416.44(b)(1), to ensure ASCs meets the provisions applicable to the Ambulatory Health Care Centers of the 2000 edition of the Life Safety Code (LSC) of the National Fire Protection Association.
- § 416.44(b)(2), to address the regulatory requirement where CMS may waive, for periods deemed appropriate, specific provisions of the LSC which, if rigidly applied, would result in unreasonable hardship upon an ASC, but only if the waiver will not adversely affect the health and safety of the patients.
- § 416.44(b)(4), to ensure the ASC is in compliance with the Emergency Lighting Chapter 21.2.9.1 of the LSC.
- § 416.44(c), to address the requirement for emergency equipment to be immediately available for use during emergency situations and for emergency equipment to be maintained by appropriate personnel.
- § 416.44(d), to ensure personnel trained in the use of emergency equipment and in cardiopulmonary resuscitation are available whenever there is a patient in the ASC.
- § 416.45(a), to ensure all members of the medical staff are legally and professionally qualified for the positions to which they are appointed and for the performance of privileges granted.
- § 416.46(a), to ensure patient care responsibilities are delineated for all nursing service personnel, that nursing services are provided in accordance with recognized standards of practice, and that there is a registered nurse available for emergency treatment whenever there is a patient in the ASC.
- § 416.47, to ensure the ASC maintains complete, comprehensive and accurate medical records to ensure adequate patient care.
- § 416.47(b)(1) through (8), to ensure patient medical records meet CMS standards.
- § 416.48, to address the ASCs responsibility to provide drugs and biologicals in accordance with accepted professional practice.
- § 416.48(a)(2), to ensure blood and blood products are administered by only physicians or registered nurses.
- § 416.48(a)(3), to require all verbal orders for drugs and biologicals are followed by a written order and signed by the prescribing physician.
- § 416.50, to address the ASC's responsibility to inform the patient or the patient's representative or surrogate of the patient's rights and to provide notice of the patients' rights prior to the start of the surgical procedure.
- § 416.50(c)(1), to address providing the patient or the patient's representative with written information

concerning its policies on advance directives.

- § 416.50(c)(2), to ensure the patient or the patient's representative is informed of the right to make informed decisions regarding the patient's care.
- § 416.50(f)(3), to ensure the patient has the right to be free from all forms of abuse or harassment.
- § 416.51(b)(3), to provide a plan of action for preventing, identifying, and managing infections and communicable diseases and for immediately implementing corrective and preventive measures that result in improvement.
- § 416.52(a)(1), to ensure each patient receives a comprehensive medical history and physical not more than 30 calendar days before the date of the scheduled surgery.
- § 416.52(c)(1), to address the ASCs responsibility to provide overnight supplies when discharged from the ASC.
- § 416.52(c)(2), to ensure each patient has a discharge order, signed by a physician who performed the surgery or procedure in accordance with applicable state health and safety laws, standards of practice, and ASC policy.
- § 416.52(c)(3), to ensure all patients are discharged in the company of a responsible adult unless exempted by the attending physician.
- § 488.5(a)(4)(ii), to ensure IMQ's surveyors observe at least one surgical procedure during an onsite ASC survey.
- § 488.5(a)(4)(iv), to ensure each statement of deficiency contains a clear, detailed description of the deficient practice and relevant findings that includes the use of numerators and denominators, when applicable, as well as a regulatory reference based on the relevant Medicare requirement.
- § 488.5(a)(9), to ensure IMQ's evaluation system used to monitor the performance of its surveyors meets the Medicare requirements.
- § 488.5(a)(12), to ensure IMQ's policies for responding to and investigating complaints against accredited facilities meets the Medicare requirements.
- § 489.13(b), to ensure IMQ does not provide an effective date of accreditation until the facility meets all applicable federal requirements, this includes both the Medicare requirements and IMQ standards.
- § 488.20(b) and § 488.28(a), to ensure that IMQ has a policy regarding our requirements for submission of a plan of correction by the ASC and the completion of an onsite follow-up survey to determine compliance with the Medicare CfCs after citing condition level noncompliance during a recertification survey.
- Section 2005A of the State Operations Manual (SOM), to ensure that IMQ has a policy regarding condition level noncompliance identified during an initial accreditation survey for participation in Medicare.
- Section 2700 of the SOM, to ensure all Medicare surveys are conducted on an unannounced basis.
- Section 2728 of the SOM, to ensure policies regarding timeframes for sending and receiving a plan of correction meets the Medicare requirements.

B. Term of Approval

Based on our review and observations described in section III of this final notice, we approve IMQ as a national accreditation organization for ASCs that request participation in the Medicare program, effective April 29, 2016 through April 29, 2020.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

Dated: April 13, 2016.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2016–10165 Filed 4–28–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1050]

Recommendations on the Regulation of Combination Drug Medicated Feeds; Availability; Reopening of Comment Period; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability; reopening of comment period; request for comments.

SUMMARY: The Food and Drug Administration (FDA or we) is reopening the comment period and requesting public input on possible modifications to the current review processes for new animal drug applications (NADAs) for the use of multiple new animal drugs in combination drug medicated feeds. We are also announcing the availability of a Center for Veterinary Medicine (CVM) recommendations document for the animal drug user fee negotiating committee.

DATES: Submit either electronic or written comments by July 29, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2014–N–1050 for "Regulation of Combination Drug Medicated Feeds." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov*. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Linda M. Wilmot, Center for Veterinary Medicine (HFV–120), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0829, *linda.wilmot@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 9, 2014 (79 FR 53431), FDA announced that it was beginning to explore possible modifications to the current review processes for NADAs for the use of multiple new animal drugs in combination drug medicated feeds. This effort is consistent with the stated performance goal in the Animal Drug User Fee Amendments of 2013 (ADUFA III) goals letter.

In the same notice, FDA announced the opening of a docket to receive public input. Originally, interested persons were given until September 9, 2015, to provide comment. In a February 13, 2015 (80 FR 8092), notice of a public meeting on this subject, FDA extended the comment period until March 31, 2016. At this time, FDA is reopening the comment period until July 29, 2016.

A summary of FDA recommendations, "Recommendations on the Regulation of Combination Drug Medicated Feeds," has been placed in the FDA Docket. Persons with access to the Internet may obtain this document at the CVM FOIA Electronic Reading Room: *http://www.fda.gov/ForIndustry/UserFees/AnimalDrugUserFeeActADUFA/default.htm*.

Dated: April 22, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–10028 Filed 4–28–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0610]

Mass Spectrometry in the Clinic: Regulatory Considerations Surrounding Validation of Liquid Chromatography-Mass Spectrometry Based Devices; Public Workshop; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period for the notice of a public workshop that appeared in the **Federal Register** of March 9, 2016. In the notice of the public workshop, FDA requested comments on the workshop topics concerning the use of liquid chromatography/mass-spectrometry (LC/MS)-based in vitro diagnostic devices (IVDs) in the clinical laboratory. The Agency is taking this action in response to requests to allow interested persons additional time to submit comments.

DATES: FDA is reopening the comment period for the notice of public workshop published March 9, 2016. Submit either electronic or written comments by June 2, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2016–N–0610 for "Mass Spectrometry in the Clinic: Regulatory Considerations Surrounding Validation of Liquid Chromatography-Mass Spectrometry Based Devices." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Julia Tait Lathrop, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5614, Silver Spring, MD 20993, 240–402–5034, *julia.lathrop@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 9, 2016, (81 FR 12511), FDA published a notice of a public workshop with a deadline of April 20, 2016, to request comments on the workshop topics concerning the use of LC/MS-based IVDs in the clinical laboratory. Comments on the public workshop topics will inform FDA's development and validation of LC/MS-based devices, especially validation considerations for protein- and peptide-based LC/MS devices.

FDA is reopening the comment period for the notice of the public workshop until June 2, 2016. The Agency believes that the extension allows adequate time for interested persons to submit comments without significantly delaying decision making on these important issues.

Dated: April 26, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–10106 Filed 4–28–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–1160]

Center for Biologics Evaluation and Research eSubmitter Program for Electronic Submission of Postmarketing Adverse Event Reports for Human Vaccine Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency), Center for Biologics Evaluation and Research (CBER) is announcing the availability of a Vaccine Adverse Event Reporting System (VAERS) eSubmitter program for the electronic submission of postmarketing individual case safety reports (ICSRs) and ICSR attachments of adverse events for human vaccine products (VAERS eSubmitter program). The VAERS eSubmitter program is a free software program for voluntary use that is intended to help persons subject to mandatory postmarketing requirements for vaccines including applicants, manufacturers, packagers, and distributors to electronically submit ICSRs and ICSR attachments as required by the final rule titled "Postmarketing Safety Reports for Human Drug and Biological Products; Electronic Submission Requirements." The VAERS eSubmitter program creates a simple and efficient mechanism for the secure electronic submission of postmarketing ICSRs and ICSR attachments into the VAERS database without the need for an internal database that is compatible with the International Conference on Harmonisation (ICH)-based direct database to database submission system.

FOR FURTHER INFORMATION CONTACT: Bioinformatics Support Staff, Office of Review Management, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, *CBERICSRSUBMISSIONS@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of the VAERS eSubmitter program for the electronic submissions of postmarketing ICSRs and ICSR attachments of adverse events for human vaccine products. The VAERS eSubmitter program is available for voluntary use by applicants and others required to report postmarketing adverse events, as described above, to submit an initial or follow-up ICSR document for human vaccine products. The eSubmitter application software, which can be downloaded free of charge, assists users in the preparation of submissions that contain the minimum elements necessary for FDA to perform a comprehensive review.

The eSubmitter ICSR template for vaccines is designed to ensure that those submitting postmarketing ICSRs and ICSR attachments include necessary information in these regulatory submissions. It is also designed to guide users of the system as they complete the ICSR file creation and submission process. The VAERS eSubmitter program will help to improve the consistency, quality, and completeness of ICSR submissions and make the submission and review process more user-friendly for those required to report postmarketing adverse events for human vaccine products.

FDA published in the **Federal Register** of June 10, 2014 (79 FR 33072), a final rule titled "Postmarketing Safety Reports for Human Drug and Biological Products; Electronic Submission Requirements," which requires, in part, that applicants and other adverse event reporters submit postmarketing ICSRs and ICSR attachments to CBER in an electronic format that the Agency can process, review, and archive. The final rule became effective June 10, 2015. Postmarketing ICSRs and ICSR attachments sent to CBER for human vaccines are processed into the VAERS database. As discussed in the preamble to the final rule and in CBER's final guidance for industry "Providing Submissions in Electronic Format—Postmarketing Safety Reports for Vaccines," dated August 2015 (August 2015 Guidance), FDA is providing two voluntary options for electronic submission of ICSRs and ICSR attachments into VAERS: (1) Direct database to database submission through the Electronic Submissions Gateway (ESG), and (2) submission of safety reports through the VAERS eSubmitter program as described on the CBER eSubmitter Web page (available at: *http://www.fda.gov/ForIndustry/FDAeSubmitter/ucm191387.htm*). Applicants and others required to report postmarketing adverse events can choose either option to electronically submit ICSRs and ICSR attachments to VAERS.

The ICSR eSubmitter software is a government-issued software provided in support of the Government Paperwork Elimination Act of 1998 (44 U.S.C. 3504). As users of the eSubmitter software, applicants and others required to report postmarketing adverse events are not required to perform their own file validation process. The purpose of the ICSR eSubmitter template is to facilitate the electronic submission of postmarketing vaccine safety reports using internationally adopted data standards to enhance regulatory review, exchange and dissemination of vaccine safety information. Applicants and others who choose to use the eSubmitter program for required postmarketing reporting of adverse events for human vaccine products must first download the eSubmitter software and then manually enter information into the ICSR template form to create each electronic ICSR or ICSR attachment for submission to FDA through the ESG for uploading to the VAERS database. Further information on submitting ICSRs and ICSR attachments using eSubmitter is included in the August 2015 Guidance (available at: *http://www.fda.gov/BiologicsBloodVaccines/GuidanceCompliance RegulatoryInformation/Guidances/Vaccines/default.htm*), and on the CBER eSubmitter Web page referenced above.

Dated: April 25, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–10025 Filed 4–28–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) (60 FR 56605, as amended November 6, 1995; as last amended at 80 FR 19981–19982 dated April 6, 2016).

This notice reflects organizational changes in the Health Resources and Services Administration (HRSA), Office of the Administrator (RA). Specifically, this notice: (1) Renames the Office of Equal Opportunity, Civil Rights and Diversity Management (RA2) to the Office of Civil Rights, Diversity and Inclusion (RA2); and (2) updates the functional statement for Office of Civil Rights, Diversity and Inclusion (RA2).

Chapter RA2—Office of Civil Rights, Diversity and Inclusion

Section RA2—00, Mission

The mission of the Office of Civil Rights, Diversity and Inclusion is to protect and serve the rights of all HRSA employees, applicants and beneficiaries of federal funds by enforcing federal laws, policies and practices prohibiting discrimination, resolves workplace disputes and conflict at the earliest possible stage, and helps to leverage diversity throughout HRSA.

Section RAE–10, Organization

Delete the organization for the Office of the Administrator (RA) in its entirety and replace with the following:

Rename the Office of Equal Opportunity, Civil Rights and Diversity Management to the Office of Civil Rights, Diversity and Inclusion within the Office of the Administrator. The Office of the Administrator is headed by the Administrator, who reports directly to the Secretary, Department of Health and Human Services.

(1) Immediate Office of the Administrator (RA);

(2) Office of Legislation (RAE);

(3) Office of Communications (RA6);

(4) Office of Health Equity (RAB);

(5) Office of Civil Rights, Diversity and Inclusion (RA2);

(6) Office of Planning, Analysis and Evaluation (RA5);

(7) Office of Women's Health (RAW); and

(8) Office of Global Health (RAI).

Section RA2–20, Functions

This notice reflects organizational changes in the Health Resources and Services Administration (HRSA), Office of the Administrator (RA). Specifically, this notice: (1) Updates the functional statement.

Delete the function for the Office of Equal Opportunity, Civil Rights and Diversity Management and replace in its entirety.

Office of Civil Rights, Diversity and Inclusion (RA2)

Serves as the focal point for HRSA's formulation, implementation, coordination and management of the equal opportunity, civil rights, and diversity and inclusion activities. Specifically: (1) Provides advice, counsel, and recommendations to HRSA personnel, including regional offices, on equal opportunity, civil rights, and diversity and inclusion issues; (2) analyzes Agency data to determine underrepresentation and/or underutilization of diverse groups in the workforce; (3) identifies barriers and devises strategies to eliminate those barriers; (4) manages the equal employment opportunity complaint process for HRSA civilian employees; (5) manages the equal employment opportunity complaint process for Public Health Service (PHS) Commissioned Corps personnel under the provisions of PHS Personnel Instruction 6 and issues recommendations to the Surgeon General; (6) approves and executes equal opportunity complaint settlement agreements; (7) develops and directs implementation of the requirements of Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans With Disabilities Act, The Genetic Information Nondiscrimination Act of 2008, and Section 1557 of the Affordable Care Act, as they apply to HRSA and recipients of HRSA funds; (8) provides comprehensive EEO, Civil Rights and Diversity and Inclusion training to HRSA's supervisors, managers and employees to prevent discrimination and harassment in the workplace; (9) applies all applicable laws, guidelines, rules and regulations; and (10) provides leadership and guidance in HRSA's efforts to develop and maintain a diverse and inclusive workforce.

Delegations of Authority

All delegations of authority and re-delegations of authority made to HRSA officials that were in effect immediately prior to this reorganization, and that are consistent with this reorganization, shall continue in effect pending further re-delegation.

This reorganization is effective upon date of signature.

Dated: April 21, 2016.

James Macrae,

Acting Administrator.

[FR Doc. 2016–10048 Filed 4–28–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–new–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before June 28, 2016.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–new–60D for reference.

Information Collection Request Title: Evaluation of the Women's Health Leadership Institute Program.

Abstract: The U.S. Department of Health and Human Services (HHS) Office on Women's Health (OWH) is requesting approval for new data collection to assess the impact of the Women's Health Leadership Institute (WHLI) program. The WHLI trained community health workers (CHWs) to gain leadership skills and to use a public health systems approach to address chronic disease and health disparities in their communities. WHLI employed a train-the-trainers model (*i.e.,* experienced personnel coach and mentor inexperienced instructors to develop skills and knowledge needed to deliver the course), where Master Trainers (MTs) learned to deliver the WHLI training curriculum to CHWs. At the end of the program, CHWs received guidance on developing Community Action Projects (CAPs) to implement systems-level changes in their communities.

The evaluation will consist of both a process evaluation that focuses on CHWs' satisfaction with the training and suggestions for improvement, and an outcome evaluation that assesses (1) intermediate outcomes including the sustainability of CHWs' leadership knowledge and competencies, and the application of these competencies in leadership activities and CAP development; and (2) long-term outcomes including positive systemic and/or community level changes made around women's health issues. Data from the study will enable OWH to understand what components of the training were most successful and to identify aspects of the training in need of improvement. Results will also help OWH with planning and developing future training initiatives to promote effective programs for women and girls.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Online Survey—All CHWs	422	1	25/60	*176
Telephone Interviews—CHWs with completed CAPs or other leadership activities	40	1	30/60	20
Telephone Interviews—Master Trainers	18	1	30/60	9
Telephone Interviews—CHW Worksite Supervisors	20	1	30/60	10
Telephone Interviews—Community Stakeholders	20	1	30/60	10
Total	520			225

* Numbers have been rounded.

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Terry S. Clark,

Asst. Information Collection Clearance Officer.

[FR Doc. 2016–10062 Filed 4–28–16; 8:45 am]

BILLING CODE 4150–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–New–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before June 28, 2016.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–New–60D for reference.

Information Collection Request Title: Office on Women's Health: IPV Provider Network Cross-Site Evaluation

Abstract: The Affordable Care Act (PHS 2713) requires health insurance plans to cover preventive care and screening for women as defined by the Health Resources and Services Administration (HRSA) Women's Preventive Services Guidelines, including screening and counseling for interpersonal and domestic violence. In addition, the U.S. Preventive Services Task Force released a recommendation for IPV (interpersonal violence) screening in clinical settings. As part of the administration's efforts to create a health system that better addresses the needs of IPV victims, the Office on Women's Health (OWH) at the U.S. Department of Health and Human Services has established the IPV Provider Network program. The program requires partnerships between health care providers and IPV service programs to evaluate systems for integrating IPV interventions into basic clinical care. Each of the five selected OWH grantees is required to establish Memoranda of Understanding with 5 to 10 partners that provide services (*e.g.*, legal, housing, substance use, mental health) to clients referred by the grantee health providers. The *overall goal of the IPV Provider Network project* is to understand and assess the strategies implemented by the five different IPV Provider Network programs designed to improve care coordination for IPV screening/referred patients. OWH will use program assessment findings to support future work with federal and state partners to disseminate the evidence-based strategies that are created. The purpose of *this data collection* is to gather data from the grantees' service provider partners to answer the research question: What feedback is available from the service partners to refine the IPV referral and follow-up processes? OWH contractor NORC at the University of Chicago will collect and analyze two sources of primary data. The first data source will be a brief online survey administered to a single representative of each of the partners, assessing (a) the partnership with the respective OWH grantee's health care provider and (b) the services that partner provides to the women referred by the health care provider. The second data source is a key informant interview with a single representative of each partner, providing a mechanism for the key informant to elaborate on their agency's survey response data. Direct contact with the partners is necessary to understand the nature of each grantee's provider network partnerships, including what works and what does not work.

Likely Respondents: Medical and Health Services Managers.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Semi-annual online Service Provider Assessments	50	2	30/60	50/60
Key informant interviews	50	1	1	50/60
Total				100

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Terry S. Clark,

Asst. Information Collection Clearance Officer.

[FR Doc. 2016–10066 Filed 4–28–16; 8:45 am]

BILLING CODE 4150–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

4-in-1 Grant Program; Correction

AGENCY: Indian Health Service, HHS.

ACTION: Notice; correction.

SUMMARY: The Indian Health Service published a document in the **Federal Register** on March 14, 2016, for the FY 2016 4-in-1 Grant Program. The notice contained incorrect page limits for one section of the project narrative and the overall project narrative.

FOR FURTHER INFORMATION CONTACT: Rick Mueller, Public Health Advisor, Office of Urban Indian Health Programs, 5600 Fishers Lane, Mail Stop: 08E65B, Rockville, MD 20857, Telephone (301) 443–4680. (This is not a toll-free number.)

Corrections

In the **Federal Register** of March 14, 2016, in FR Doc. 2016–05761, the following corrections are made:

1. On page 13382, in the first column, under the heading "IV. Application and Submission Information, 2. Content and Form of Application Submission", the correct Project Narrative requirement should read as "Project Narrative (must be single-spaced and not exceed thirty two pages)".

2. On page 13382, in the second column, under the heading "IV. Application and Submission Information, Requirements for Project and Budget Narratives, A. Project Narrative", the correct paragraphs should read as "The project narrative should be a separate Word document that is no longer than 32 pages and must: Be single-spaced, be type-written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½ x 11 paper.

Be sure to succinctly address and answer all questions listed under the narrative and place them under the evaluation criteria (refer to Section V.1, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or they shall not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming familiar with the applicant's activities and accomplishments prior to this grant award. If the narrative exceeds the page limit, only the first 32 pages will be reviewed. The 32-page limit for the narrative does not include the table of contents, abstract, standard forms, budget justification narrative, and/or other appendix items".

3. On page 13382, in the third column, under the heading "IV.

Application and Submission Information, Requirements for Project and Budget Narratives, A. Project Narrative, Part A: Program Information (3 Page Limitation)", the correct subheading and page limit should read as "Part A: Program Information (10 page limitation)".

4. On page 13384, in the first column, under the heading "V. Application Review Information", the correct paragraph should read as "The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The 32 page narrative should include only the first year activities; information for multi-year projects should be included as an appendix. See "Multi-year Project Requirements" at the end of this section for more information. The narrative should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:"

Dated: April 25, 2016.

Elizabeth A. Fowler,

Deputy Director for Management Operations, Indian Health Service.

[FR Doc. 2016–10164 Filed 4–28–16; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: AAV-Mediated Aquaporin Gene Transfer To Treat Sjögren's Syndrome

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209 and 37 CFR part 404, that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive license to MeiraGTx, having a principal place of business in New York, New York, U.S.A. to practice the inventions embodied in the following patent applications, entitled "AAV-mediated aquaporin gene transfer to treat Sjögren's syndrome":

1. U.S. Provisional Patent Application No. 61/695,753 filed August 31, 2012 (HHS Ref. No. E–139–2011/1–US–01);
2. PCT Application No. PCT/US2013/057632, filed August 30, 2013 (HHS Ref. No. E–139–2011/1–PCT–02);
3. Australia Patent Application No. 2013308470, filed February 25, 2015 (HHS Ref. No. E–139–2011/1–AU–03);
4. Canada Patent Application No. 2882763, filed February 20, 2015 (HHS Ref. No. E–139–2011/1–CA–04);
5. European Patent Application No. 13773443.0, filed March 30, 2015 (HHS Ref. No. E–139–2011/1–EP–05);
6. U.S. Patent Application No. 14/423,774, filed February 25, 2015 (HHS Ref. No. E–139–2011/1–US–06).

The patent rights in these inventions have been assigned to the Government of the United States of America. The territory of the prospective license may be worldwide, and the field of use may be limited to adeno-associated virus (AAV) vector mediated gene delivery of human aquaporin-1 (hAQP1) in Sjögren's syndrome patients with associated xerostomia and/or xerophthalmia.

DATES: Only written comments and/or applications for a license that are received by the National Institute of Dental and Craniofacial Research, Office of Technology Transfer and Innovation Access on or before May 16, 2016 will be considered.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the patent application(s), inquiries, comments and other materials relating to the contemplated license should be directed to: Sally Hu, Ph.D., M.B.A., Senior Licensing and Patenting Manager, Office of Technology Transfer and Innovation Access, National Institute of Dental and Craniofacial Research, National Institutes of Health, BLDG 1 DEM, RM667, 6701 Democracy Blvd., Bethesda, MD 20817; Telephone: (301) 594–2616; Facsimile: (301) 496–1005; Email: *sally.hu@nih.gov.* A signed confidential disclosure agreement may be required to receive copies of the patent application assuming it has not already been published under the publication rules of either the United States Patent and Trademark Office or the World Intellectual Property Organization.

SUPPLEMENTARY INFORMATION: This subject technology is directed to the methods of using AAV vectors to deliver the hAQP gene into a salivary gland or a lachrymal gland in patients who suffer from Sjögren's syndrome. Sjögren's syndrome is a systemic autoimmune disease in which immune cells attack and destroy the glands that produce saliva and tears, resulting in progressive dry mouth and dry eyes. In a mouse model of Sjögren's syndrome, administration of hAQP–1 to salivary glands can restore salivary secretion and reduce inflammation in the glands.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, the Office of Technology Transfer and Innovation Access, National Institute of Dental and Craniofacial Research receives written evidence and argument that establishes that the grant of the contemplated license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Properly filed competing applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 22, 2016.

David W. Bradley,

Director, Office of Technology Transfer and Innovation Access, National Institute of Dental and Craniofacial Research, National Institutes of Health.

[FR Doc. 2016–09978 Filed 4–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel NIH Blueprint Training in Computational

Neuroscience: From Biology to Model and Back Again (T90/R90).

Date: May 11, 2016.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, 301–435–1426, *mcguireso@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel Effects of drugs of abuse on latent HIV reservoirs in the CNS (R01).

Date: May 27, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jagadeesh S. Rao, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 02892, 301–443–9511, *jrao@nida.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel Exploring Epigenomic or Non-Coding RNA Regulation in HIV/AIDS and Substance Abuse (R01).

Date: June 10, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jagadeesh S. Rao, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 02892, 301–443–9511, *jrao@nida.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel Multi-site Clinical Trials.

Date: June 21, 2016.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–402–6020, *hiromi.ono@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel Integration of Infectious Diseases and Substance Abuse Intervention Services for Individuals Living with HIV (R01).

Date: July 1, 2016.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–402–6020, *hiromi.ono@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: April 26, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–10128 Filed 4–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Estrogen and Alzheimer's Disease.

Date: May 23, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, The Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Isis S. Mikhail, MD, MPH, DRPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7704, *MIKHAILI@MAIL.NIH.GOV.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 26, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–10144 Filed 4–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; BRAIN Initiative Review.

Date: May 12, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Arlington Capital View Hotel, 2800 S. Potomac Avenue, Arlington, VA 22202.

Contact Person: Joel Saydoff, Ph.D., Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223, *joelsaydoff@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; BRAIN: Large Scale Recording and Neuromodulation Panel.

Date: June 6–7, 2016.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crown Plaza Old Town Alexandria, 901 North Fairfax Street, Alexandria, VA 22314.

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, 301–402–6033, *rajarams@mail.nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders A.

Date: June 20–21, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront Hotel, 71 East Wacker Drive, Chicago, IL 60601.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, 301–402–0288, *Natalia.strunnikova@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Science and Disorders C.

Date: June 21–22, 2016.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Warwick Seattle Hotel, 401 Lenora Street, Seattle, WA 98121.

Contact Person: William C. Benzing, Ph.D., Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, 301–402–0660, *Benzingw@mail.nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders B.

Date: June 23–24, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.

Contact Person: Birgit Neuhuber, Ph.D., Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, *neuhuber@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 26, 2016.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–10030 Filed 4–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Clinical, Treatment and Health Services Research Review Subcommittee, June 13, 2016, 08:30 a.m. to June 13, 2016, 06:00 p.m., National Institute on Alcohol Abuse & Alcoholism, 5635 Fishers Lane, Terrace Conference Room 508/509, Rockville, MD, 20852 which was published in the **Federal Register** on April 07, 2016, 81FR20406.

This meeting is being amended to change the Contact Person from Katrina L. Foster, Ph.D. to Ranga V. Srinivas, Ph.D. The meeting is closed to the public.

Dated: April 26, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–10132 Filed 4–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: NIGMS Initial Review Group; Training and Workforce Development Subcommittee—D.

Date: June 23–24, 2016.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Mclean Tysons Corner, 7920 Jones Branch Drive, Tysons Corner, VA 22102.

Contact Person: Rebecca H. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18C, Bethesda, MD 20892, 301–594–2771, *johnsonrh@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: April 26, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–10126 Filed 4–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NICHD.

The meeting will be open to the public as indicated below, with the attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the Eunice Kennedy Shriver National Institute of Child Health and Human Development, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NICHD.

Date: June 3, 2016.

Open: 8:00 a.m. to 11:30 p.m.

Agenda: A report by the Scientific Director, NICHD, on the status of the NICHD Division of Intramural Research, talks by various intramural scientists, and current organizational structure.

Place: National Institutes of Health, Building 31A, Conference Room 2A48, 31 Center Drive, Bethesda, MD 20892.

Closed: 11:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 31A, Conference Room 2A48, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Constantine A. Stratakis, MD, D(med)Sci, Scientific Director, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, Building 31A, Room 2A46, 31 Center Drive, Bethesda, MD 20892, 301–594–5984, *stratakc@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://dir.nichd.nih.gov/dirweb/home.html,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 25, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–09980 Filed 4–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the Frederick National Laboratory Advisory Committee to the National Cancer Institute, May 11, 2016, 08:00 a.m. to May 11, 2016, 05:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, TE406, Rockville, MD, 20850 which was published in the **Federal Register** on April 4, 2016, 81 FR 19210.

The meeting notice is amended to change the start and end time from 8:00 a.m.–5:00 p.m. to 8:30 a.m.–5:15 p.m. The meeting is open to the public.

Dated: April 26, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–10029 Filed 4–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute On Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Communication Disorders Review Committee.

Date: June 23–24, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Eliane Lazar-Wesley, Scientific Review Officer, Division of Extramural Activities, National Institute on Deafness and other Communication Disorders/NIH, 6001 Executive Blvd., MSC 9670, Bethesda, MD 20892–8401, 301–496–8683, *el6r@nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: June 27, 2016.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Bethesda, MD 20892, 301–496–8693.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: April 25, 2016.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–10142 Filed 4–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; Notice of Charter Renewal

In accordance with Title 41 of the U.S. Code of Federal Regulations, Section 102–3.65(a), notice is hereby given that the Charter for the NIH Advisory Board for Clinical Research was renewed for an additional two-year period on April 26, 2016.

It is determined that the NIH Advisory Board for Clinical Research is in the public interest in connection with the performance of duties imposed on the National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

Inquiries may be directed to Jennifer Spaeth, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail code 4875), Telephone (301) 496–2123, or *spaethj@od.nih.gov.*

Dated: April 25, 2016.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–09979 Filed 4–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0308]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Working Group meeting.

SUMMARY: A working group of the Merchant Marine Personnel Advisory Committee will meet to work on Task Statement 30, which asks the committee to evaluate utilizing military education, training, and assessment to satisfy national and STCW[1] credential requirements. The working group will specifically consider the development and application of tonnage equivalencies and horsepower

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[1] International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

equivalencies for military ships. These meetings will be open to the public.

DATES: The Merchant Marine Personnel Advisory Committee working group is scheduled to meet daily on May 25, 2016 to May 26, 2016 from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if the working group has completed its business.

ADDRESSES: The meetings will be held at the Coast Guard National Maritime Center, 100 Forbes Drive, Martinsburg, WV 25404–7120, *http://www.uscg.mil/nmc/*. Entrance to the facility must be made via the front door and government issued identification will be required. Please arrive at least 30 minutes early for processing. For further information about the meeting facilities, please contact Ms. Karen Quigley at 304–433–3403 or via email at *karen.l.quigley@uscg.mil*. Please be advised that all attendees are required to notify the Merchant Marine Personnel Advisory Committee Alternate Designated Federal Officer of your attendance no later than May 19, 2016 using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Alternate Designated Federal Officer as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the working group as listed in the "Agenda" section below. Written comments for distribution to working group members must be submitted no later than May 19, 2016, if you want the working group members to be able to review your comments before the meeting, and must be identified by docket number USCG–2016–0308. Written comments may be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov*. If your material cannot be submitted using *http://www.regulations.gov*, contact the Alternate Designated Federal Officer for alternate instructions.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided. You may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov*, type USCG–2016–0308 in the Search box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1445, fax 202–372–8382, or *Davis.J.Breyer@uscg.mil*.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, Title 5 United States Code Appendix.

The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act, (Title 5, United States Code, Appendix). The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant; shall review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

Agenda

Day 1

The agenda for the May 25, 2016 meeting is as follows:

(1) The working group will meet briefly to discuss Task Statement 30, Utilizing military education, training and assessment for the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and U.S. Coast Guard Certifications; the purpose and goals of this intercessional; and the organization of this intercessional/workshop;

(2) Reports of working sub-groups. At the end of the day, the working sub-groups will report to the full working group on what was accomplished in their meetings. The full working group will not take action on these reports on this date. Any action taken as a result of this working group meeting will be taken on day 2 of the meeting.

(3) Public comment period.

(4) Adjournment of meeting.

Day 2

The agenda for the May 26, 2016 meeting is as follows:

(1) The working group will meet briefly to discuss Task Statement 30, Utilizing military education, training and assessment for the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and U.S. Coast Guard Certifications; the purpose and goals of this intercessional for this date; and any adaptations to the organization of this intercessional;

(2) Reports of working sub-groups. The working sub-groups will report to the full working group on what was accomplished in their meetings. The full working group will not take action on these reports at this time. Any action taken as a result of this working group meeting will be taken after the public comment period.

(3) Public comment period.

(4) Preparation of the meeting report to the Committee.

(5) Adjournment of meeting.

A public comment period will be held during each day during the working group meeting concerning matters being discussed. Speakers are requested to limit their comments to 3 minutes. Please note that the public comment periods may end before the prescribed ending times following the last call for comments.

Please contact Mr. Davis Breyer, listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a speaker. Please note that the meeting may adjourn early if the work is completed before 5:30 p.m.

Dated: April 25, 2016.

J.G. Lantz,

Director of Commercial Regulations and Standards, United States Coast Guard.

[FR Doc. 2016–09972 Filed 4–28–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5907–N–18]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: April 21, 2016.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

[FR Doc. 2016–09757 Filed 4–28–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–MB–2016–N014; FF06M00000–XXX–FRMB48720660090]

Availability of Draft Environmental Impact Statement for Eagle Take Permits for the Chokecherry and Sierra Madre Phase I Wind Energy Project

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments; announcement of public meetings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service or USFWS), have prepared a draft Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969, as amended (NEPA), in response to an application from Power Company of Wyoming (PCW) for eagle take permits (ETPs) pursuant to the Bald and Golden Eagle Protection Act (BGEPA) and its implementing regulations. PCW has applied for standard and programmatic ETPs for the Chokecherry and Sierra Madre (CCSM) Phase I Wind Energy Project in Carbon County, Wyoming. We announce a public comment period on the draft EIS. We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party.

DATES:

Submission of comments: This notice initiates the public comment period. To ensure consideration, we must receive your electronic or written comments by June 27, 2016.

Public meetings: We will host public meetings on June 6 and June 7, 2016, where you may discuss issues with Service staff and submit written comments. The meeting on June 6, 2016, will be held in Saratoga, Wyoming, between 4:30 and 6:30 p.m. The meeting on June 7, 2016, will be held in Rawlins, Wyoming, between 4:30 and 6:30 p.m. Additional meeting details will be announced through the Service's Web site at *http://www.fws.gov/mountain-prairie/wind/ChokecherrySierraMadre/index.html,* as well as via press releases, local newspapers, radio announcements, and other media, at least 10 days prior to the event.

If you require reasonable accommodations to attend the meeting, contact the person listed under **FOR FURTHER INFORMATION CONTACT** at least one week prior to the meeting.

ADDRESSES:

Submission of comments: You may submit comments in writing by one of the following methods. At the top of your letter or in the subject line of your message, please indicate that the comments are for "Draft EIS for Phase I Chokecherry–Sierra Madre Wind Energy Project Comments."

- *Email:* Comments should be sent to: *CCSM_EIS@fws.gov.*
- *U.S. Mail:* Written comments should be mailed to Chokecherry–Sierra Madre EIS, U.S. Fish and Wildlife Service Mountain-Prairie Region, Attention: Louise Galiher, P.O. Box 25486 DFC, Denver, CO 80225.
- *Hand-Delivery/Courier:* Chokecherry–Sierra Madre EIS, U.S. Fish and Wildlife Service Mountain-Prairie Region, Attention: Louise Galiher, 134 Union Blvd., Lakewood, CO 80228.

For information on how to view comments on the EIS from the Environmental Protection Agency (EPA), or for information on EPA's role in the EIS process, *see* EPA's Role in the EIS Process under **SUPPLEMENTARY INFORMATION.**

Public meetings: The meeting on June 6, 2016, will be held at the Platte Valley Community Center, 210 West Elm Street, Saratoga, Wyoming. The meeting on June 7, 2016, will be held at the Jeffrey Center, 315 West Pine Street, Rawlins, Wyoming.

FOR FURTHER INFORMATION CONTACT: Louise Galiher, 303–236–8677 (phone); *louise_galiher@fws.gov* (email); or Clint Riley, 303–236–5231 (phone); *clint_riley@fws.gov* (email). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individuals during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Copies of the draft EIS, as well as the permit application and the supporting Eagle Conservation Plan (ECP), are available for review at the Carbon County Library System at 215 West Buffalo Street, Rawlins, Wyoming; the Saratoga Public Library at 503 West Elm Street, Saratoga, Wyoming; USFWS Wyoming Ecological Services Office at 5353 Yellowstone Rd, Suite 308A, Cheyenne, Wyoming *(*contact Nathan Darnall to coordinate access at *nathan_darnall@fws.gov* or 307–772–2374 ext 246); and USFWS Region 6 Office at 134 South Union Boulevard, Lakewood, Colorado (contact Louise Galiher to coordinate access at *louise_galiher@fws.gov* or 303–236–8677). Individuals wishing to obtain copies of the draft EIS, permit application, and ECP should contact the Service by telephone (*see* **FOR FURTHER INFORMATION CONTACT**) or letter (*see* **ADDRESSES**). These documents are also available on the Service's Web site at: *http://www.fws.gov/mountain-prairie/wind/ChokecherrySierraMadre/index.html.*

Public Coordination

The notice of intent to prepare an EIS for this project was published in the **Federal Register** on December 4, 2013

(78 FR 72926). Two public scoping meetings for the USFWS EIS were held on December 16 and 17, 2013, in conjunction with the Bureau of Land Management's (BLM's) scoping meetings for an Environmental Assessment (EA) of the Phase I CCSM Project.

In addition to this notice of availability of the draft EIS that the Service is publishing, EPA is publishing a notice announcing the draft EIS, as required under section 309 of the Clean Air Act (42 U.S.C. 7401 *et seq.*). The publication of EPA's notice is the official start of the minimum requirement for a 45-day public comment period for an EIS (*see* EPA's Role in the EIS Process).

Background Information

A. Migratory Birds and Eagle Protections. Raptors and most other birds in the United States are protected by the Migratory Bird Treaty Act (16 U.S.C. 703–711). The President's Executive Order 13186 directs agencies to consider migratory birds in environmental planning by avoiding or minimizing to the extent practicable adverse impacts on migratory bird resources when conducting agency actions, and by ensuring environmental analyses of Federal actions as required by NEPA or other established environmental review processes.

Bald eagles and golden eagles are provided further protection under BGEPA, which prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" eagles, including their parts, nests, or eggs. An ETP authorizes the take of live eagles and their eggs where the take is associated with, but not the purpose of, a human activity or project that is otherwise a lawful activity. Regulations governing permits for bald and golden eagles can be found in the Code of Federal Regulations at 50 CFR 22.26.

ETPs authorize the take of eagles where the take is compatible with the preservation of eagles; where it is necessary to protect an interest in a particular locality; where it is associated with, but not the purpose of, an otherwise lawful activity; and where take is unavoidable even though advanced conservation practices are being implemented. The Service will issue permits for such take only after an applicant has committed to undertake all practicable measures to avoid and minimize such take and mitigate anticipated take to the maximum extent achievable to be compatible with the preservation of eagles. Standard ETPs authorize eagle take in an identifiable timeframe and location. Programmatic ETPs authorize eagle take that is recurring and not within a specific, identifiable timeframe and/or location. Programmatic ETPs may be issued for a period of up to 5 years.

B. Power Company of Wyoming Application. As proposed by PCW, the Phase I CCSM Project will consist of approximately 500 wind turbines, a haul road, a quarry to supply materials for road construction, access roads, a rail distribution facility, underground and overhead electrical and communication lines, laydown areas, operation and maintenance facilities, and other supporting infrastructure needed for Phase I to become fully operational. PCW has applied for a standard ETP for disturbance related to construction of CCSM Phase I wind turbines and infrastructure components, and a programmatic ETP for operation of the CCSM Phase I Project.

The applicant has prepared an ECP identifying measures it intends to undertake to avoid, minimize, and compensate for potential impacts to bald and golden eagles. To help meet requirements of the Migratory Bird Treaty Act, the applicant has also prepared an avian protection plan containing measures the applicant proposes to implement to avoid or minimize impacts of the Project on other migratory birds. The Service has considered the information presented in the ECP and avian protection plans in our analysis of environmental impacts in the draft EIS.

C. BLM's NEPA Review. The CCSM Phase I Project would be situated in an area of alternating sections of private, State, and Federal lands administered by BLM. In 2012, BLM completed a final EIS (FEIS) to evaluate whether the Project area would be acceptable for development of a wind facility in a manner compatible with applicable Federal laws. On October 9, 2012, BLM published a Record of Decision (ROD) determining that the portions of the area for which PCW seeks right-of-way grants "are suitable for wind energy development and associated facilities." As explained in the ROD, BLM's decision does not authorize development of the wind energy project; rather, it allows BLM to accept and evaluate future right-of-way applications subject to the requirements of all future wind energy development described therein (ROD at 6–1).

PCW has since submitted to BLM site-specific plans of development from which BLM is developing site-specific tiered EAs. In 2014, BLM published a final EA 1, which analyzes major components of project infrastructure, including the haul road, rail facility, and rock quarry. EA 2 is currently under development by BLM, and analyzes the wind turbines and pads, access roads, laydown areas, electrical and communication lines, and a construction camp.

The Service has incorporated by reference information from the BLM FEIS, ROD, EA1, and EA2 into our environmental analysis in the draft EIS in order to avoid redundancy and unnecessary paperwork. Council for Environmental Quality (CEQ) regulations authorize incorporation by reference (40 CFR 1502.21, CEQ 40 Most Asked Questions #30; see also 43 CFR 46.135).

Alternatives

In the draft EIS, the Service identified and analyzed the Proposed Action Alternative, the Proposed Action with Different Mitigation, an alternative to Issue ETPs for Phase I of Sierra Madre Wind Development Area Only, and the No Action Alternative.

Alternative 1: Proposed Action. Alternative 1 is for the Service to issue ETPs for the construction of the Phase I wind turbines and infrastructure components and for the operation of the Phase I CCSM Project, based on the ETP applications submitted by PCW. The Proposed Action includes avoidance and minimization measures, best management practices, and compensatory mitigation described in detail in the draft EIS and in PCW's application and ECP. PCW has proposed to retrofit high-risk power poles as compensatory mitigation, thereby reducing eagle mortality from electrocution.

Alternative 2: Proposed Action with Different Mitigation. Under Alternative 2, the Service would issue ETPs for the construction and operation of the Phase I CCSM Project as under Alternative 1, but would require PCW to implement a different form of compensatory mitigation than proposed in its ETP applications. We are considering mitigation of older wind facilities, lead abatement, carcass removal, carcass avoidance, wind conservation easements, habitat enhancement (focusing on prey habitat), and rehabilitation of injured eagles as possible alternative forms of compensatory mitigation.

Alternative 3: Issue ETPs for Phase I of Sierra Madre Wind Development Area Only. The Service received numerous comments during the scoping process requesting that we examine a different development scenario from that proposed by PCW. However, to issue an ETP, we must analyze a specific project and ECP to determine if it meets the requirements for an ETP. Alternative 3 represents an example of a different development scenario PCW could present in a new application if the Service were to determine that the Phase I CCSM Project would meet all the criteria for issuing an ETP, but not at the scale proposed. Alternative 3 is for the Service to issue ETPs for the construction of Phase I infrastructure and the construction and operation of wind turbines only in the Sierra Madre Wind Development Area (WDA) (298 turbines total). The alternative includes avoidance and minimization measures, best management practices, and compensatory mitigation described in PCW's application as they apply to the Sierra Madre WDA.

Alternative 4: No Action. Under Alternative 4, the Service would deny PCW standard and programmatic ETPs for construction and operation of the Phase I CCSM Project. In addition to being a potential outcome of the permit review process, analysis of the No Action alternative is required by CEQ regulation (40 CFR 1502.14) and provides a baseline against which to compare the environmental impacts of the Proposed Action and other reasonable alternatives. ETPs are not required in order for PCW to construct and operate the project; therefore, if we deny the ETPs, PCW may choose to construct and operate the Phase I CCSM Project without ETPs and without adhering to an ECP. Alternative 4 analyzes both a "No Build" scenario and a "Build Without ETPs" scenario.

National Environmental Policy Act Compliance

Our decision whether to issue standard and programmatic ETPs to PCW triggers compliance with NEPA, which requires the Service to analyze the direct, indirect, and cumulative impacts of the CCSM Phase I project before we make our decision, and to make our analysis available to the public. We have prepared the draft EIS to inform the public of our proposed permit action, alternatives to that action, the environmental impacts of the alternatives, and measures to minimize adverse environmental effects.

EPA's Role in the EIS Process

The EPA is charged under section 309 of the Clean Air Act to review all Federal agencies' EISs and to comment on the adequacy and the acceptability of the environmental impacts of proposed actions in the EISs.

EPA also serves as the repository (EIS database) for EISs prepared by Federal agencies and provides notice of their availability in the **Federal Register**. The EIS database provides information about EISs prepared by Federal agencies, as well as EPA's comments concerning the EISs. All EISs are filed with EPA, which publishes a notice of availability on Fridays in the **Federal Register**.

For more information, see *http://www.epa.gov/compliance/nepa/eisdata.html.* You may search for EPA comments on EISs, along with EISs themselves, at *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

Public Comment Procedures

In accordance with CEQ's regulations for implementing NEPA and DOI's NEPA regulations, the Service requests public comments on the draft EIS. Timely comments will be considered by the Service in preparing the final EIS.

Written comments, including email comments, should be sent to the Service at one of the addresses given in the **ADDRESSES** section of this notice. Comments should be specific and pertain only to issues relating to the proposals. The Service will include all comments in the administrative record.

If you would like to be placed on the mailing list to receive future information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Public Availability of Submissions

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the office where the comments are being submitted.

Authorities

This notice is published in accordance with the National Environmental Policy Act of 1969; the CEQ's regulations for implementing NEPA, 40 CFR parts 1500 through 1508; and the Department of the Interior's NEPA regulations, 43 CFR part 45.

Matt Hogan,

Regional Director, Mountain-Prairie Region.

[FR Doc. 2016–09783 Filed 4–28–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX16EF00PMEXP00]

Agency Information Collection Activities: Request for Comments

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of a renewal of a currently approved information collection (1028–0092).

SUMMARY: We (the U.S. Geological Survey) will respectfully request the Office of Management and Budget (OMB) renew the information collection (IC) and/or data detailed below. To comply with the Paperwork Reduction Act of 1995 (PRA) and as part of our continuing efforts to reduce paperwork and perspective recipient burden, we invite the general public and other Federal agencies to take this opportunity to comment on the IC. This collection is scheduled to expire on 9/30/2016.

DATES: To ensure that your comments are considered, we must receive them on or before June 28, 2016.

ADDRESSES: You may submit comments on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7197 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'Information Collection 1028–0092, The National Map: Topographic Data Grants Program' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Anthony Martin, National Geospatial Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 511, Reston, VA 20192 (mail); 703–648–4542 (phone); or *amartin@usgs.gov* (email). You may also find information about this ICR at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Geospatial Program (NGP) of the U.S. Geological Survey (USGS) contributes funding for the collection of geospatial data which increases the development of *The National Map* and other national geospatial databases. NGP will accept applications from State, local or tribal governments to offset present data collection programs in order to meet the growing and present need for current and accurate geospatial data. To submit a proposal a completed project narrative and application must be submitted via Grants.gov. Recipients who are selected for grants must supply a final technical report at the end of the project period. All application instructions and forms are available on the Internet through Grants.gov (*http://www.grants.gov*). Hard/paper submissions will not be accepted under any circumstances. All reports will be accepted electronically via email.

II. Data

OMB Control Number: 1028–0092.

Form Number: N/A.

Title: The National Map: Topographic Data Grants Program.

Type of Request: Renewal of existing information collection.

Affected Public: State, Local, Tribal Government.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency of Collection: Annually.

Estimated Total Number of Annual Responses: 40 applications and 20 final reports.

Estimated Time per Response: The U.S. Geological Survey (USGS) foresees 60 hours of time will be needed to complete the necessary submissions which will include the narrative and supporting documentation. We believe that reading the requirements as well as development, proposal writing, reviewing and submission of the proposal application via Grants.gov will require 47 hours. Quarterly and final project reports must be submitted by the award recipient. The prior quarter's progress must be submitted within the report 7 days following the start of the new quarter. The quarterly report will take at least 1 hour to prepare. The final report must be submitted within 90 calendar days of the end of the project period. USGS estimates that approximately 10 hours will be needed to complete the final report.

Estimated Annual Burden Hours: 2,140 Hours per response.

Estimated Reporting and Recordkeeping "Non-Hour Cost" Burden: There are no "non-hour cost" burdens related to the collection of this data.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number and current expiration date.

III. Request for Comments

We are soliciting comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public view, we cannot guarantee that we will be able to do so.

Julia Fields,

Deputy Director, National Geospatial Program.

[FR Doc. 2016–10041 Filed 4–28–16; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[16X/A11220000.224100/AAK4004800/AX.480ADM100000]

Rate Adjustments for Indian Irrigation Projects

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of rate adjustments.

SUMMARY: The Bureau of Indian Affairs (BIA) owns, or has an interest in, irrigation projects located on or associated with various Indian reservations throughout the United States. We are required to establish irrigation assessment rates to recover the costs to administer, operate, maintain, and rehabilitate these projects. We are notifying you that we have adjusted the irrigation assessment rates at several of our irrigation projects and facilities to reflect current costs of administration, operation, maintenance, and rehabilitation.

DATES: The irrigation assessment rates are current as of January 1, 2015.

FOR FURTHER INFORMATION CONTACT: For details about a particular BIA irrigation project or facility, please use the tables in the **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project or facility is located.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rate Adjustment was published in the **Federal Register** on June 11, 2015 (80 FR 33279) to propose adjustments to the irrigation assessment rates at several BIA irrigation projects. The public and interested parties were provided an opportunity to submit written comments during the 60-day period that ended August 10, 2015.

Did BIA defer or change any proposed rate increases?

Yes. Rate increases were deferred on the Crow Irrigation Project—Two Leggins Unit and the Wind River Irrigation Project—Riverton Valley Irrigation District.

Did BIA receive any comments on the proposed irrigation assessment rate adjustments?

Yes. The BIA received sixteen (16) letters with comments. All comments received were associated with the Flathead Indian Irrigation Project's (FIIP) proposed rate adjustment for Calendar Year (CY) 2016.

What issues were of concern to the commenters?

Comments received relate specifically to the proposed rate increase for CY 2016 and other activities associated only with the FIIP.

The BIA's summary of commenters' issues and BIA's response are provided below.

Comment: Three commenters requested the rate increase be postponed until:

- —Two court cases (one case in State court challenging an alleged illegal vote of the state legislature and one case in Federal court concerning the re-assumption of operations and maintenance of the FIIP by the Bureau of Indian Affairs) are resolved.
- —The Confederated and Salish and Kootenai Tribes (CSKT) Water Compact is ratified by Congress.
- —Western Montana is no longer in a federally designated "Severe Drought" condition.

Response: The final rate for the FIIP in 2016 will remain the same as 2015.

Comment: How can the request for increased rates be warranted when those alleging the need are not fully qualified to do so?

Response: The final rate for the FIIP in 2016 will remain the same as 2015.

Comment: The BIA Solicitor's Office spent large amounts of Cooperative Management Entity (CME) O&M funds traveling back and forth from Portland, OR and Washington, DC to Montana, conducting private meetings while the project manager was spending a large amount of O&M funds on unjustifiable purchases of heavy equipment.

Response: The CME O&M funds were never spent for Office of the Solicitor travel expenses or conducting meetings. Travel costs associated with non-FIIP employees are not included in the FIIP's 2016 budget and are not part of the 2016 rate assessment or any potential future O&M rate increases.

Comment: The recent request for an extra $7 per acre for this year (nearly a 30 percent increase) was accompanied by no supporting data explaining and justifying the increase.

Response: The final rate for the FIIP in 2016 will remain the same as 2015.

Does this notice affect me?

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects or if you have a carriage agreement with one of our irrigation projects.

Where can I get information on the regulatory and legal citations in this notice?

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the Internet site for the Government Printing Office at *www.gpo.gov.*

What authorizes you to issue this notice?

Our authority to issue this notice is vested in the Secretary of the Interior by (Secretary) 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary—Indian Affairs under Part 209, Chapter 8.1A, of the Department of the Interior's Departmental Manual.

Whom can I contact for further information?

The following tables are the regional and project/agency contacts for our irrigation facilities.

Project name	Project/Agency contacts
Northwest Region Contacts	
Stanley Speaks, Regional Director, Bureau of Indian Affairs, Northwest Regional Office, 911 NE. 11th Avenue, Portland, OR 97232–4169, Telephone: (503) 231–6702.	
Flathead Indian Irrigation Project	Ernest Moran, Superintendent, Pete Plant, Irrigation Project Manager, P.O. Box 40, Pablo, MT 59855, Telephones: (406) 675–2700 ext. 1300 Superintendent, (406) 745–2661 ext. 2 Project Manager.
Fort Hall Irrigation Project	David Bollinger, Irrigation Project Manager, Building #2 Bannock Ave., Fort Hall, ID 83203–0220, Telephone: (208) 238–6264.
Wapato Irrigation Project	David Shaw, Superintendent, Larry Nelson, Acting Project Administrator, P.O. Box 220, Wapato, WA 98951–0220, Telephones: (509) 865–2421, Superintendent, (509) 877–3155 Acting Project Administrator.
Rocky Mountain Region Contacts	
Darryl LaCounte, Regional Director, Bureau of Indian Affairs, Rocky Mountain Regional Office, 316 North 26th Street, Billings, MT 59101, Telephone: (406) 247–7943.	
Blackfeet Irrigation Project	Thedis Crowe, Superintendent, Greg Tatsey, Irrigation Project Manager, Box 880, Browning, MT 59417, Telephones: (406) 338–7544, Superintendent, (406) 338–7519, Irrigation Project Manager.
Crow Irrigation Project	Vianna Stewart, Superintendent, Karl Helvik, Acting Irrigation Project Manager, P.O. Box 69, Crow Agency, MT 59022, Telephones: (406) 638–2672, Superintendent, (406) 247–7469, Acting Irrigation Project Manager.
Fort Belknap Irrigation Project	John St. Pierre, Superintendent, Vacant, Irrigation Project Manager, (Project operation & maintenance contracted to Tribes), R.R.1, Box 980, Harlem, MT 59526, Telephones: (406) 353–2901, Superintendent, (406) 353–8454, Irrigation Project Manager (Tribal Office).
Fort Peck Irrigation Project	Howard Beemer, Superintendent, Huber Wright, Acting Irrigation Project Manager, P.O. Box 637, Poplar, MT 59255, Telephones: (406) 768–5312, Superintendent, (406) 653–1752, Irrigation Project Manager.
Wind River Irrigation Project	Norma Gourneau, Superintendent, Karl Helvik, Acting Irrigation Project Manager, P.O. Box 158, Fort Washakie, WY 82514, Telephones: (307) 332–7810, Superintendent, (307) 247–7469, Acting Irrigation Project Manager.
Southwest Region Contacts	
William T. Walker, Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road, Albuquerque, NM 87104, Telephone: (505) 563–3100.	
Pine River Irrigation Project	Priscilla Bancroft, Superintendent, Vickie Begay, Irrigation Project Manager, P.O. Box 315, Ignacio, CO 81137–0315, Telephones: (970) 563–4511, Superintendent, (970) 563–9484, Irrigation Project Manager.

Project name	Project/Agency contacts
Western Region Contacts	
Bryan Bowker, Regional Director, Bureau of Indian Affairs, Western Regional Office, 2600 N. Central Ave., 4th Floor Mailroom, Phoenix, AZ 85004, Telephone: (602) 379–6600.	
Colorado River Irrigation Project	Kellie Youngbear Superintendent, Gary Colvin, Irrigation Project Manager, 12124 1st Avenue, Parker, AZ 85344, Telephone: (928) 669–7111.
Duck Valley Irrigation Project	Joseph McDade, Superintendent, (Project operation & management compacted to Tribes), 2719 Argent Ave., Suite 4, Gateway Plaza, Elko, NV 89801, Telephone: (775) 738–5165, (208) 759–3100, (Tribal Office).
Yuma Project, Indian Unit	Irene Herder, Superintendent, 256 South Second Avenue, Suite D, Yuma, AZ 85364, Telephone: (928) 782–1202.
San Carlos Irrigation Project Indian Works and Joint Works	Ferris Begay, Project Manager, Clarence Begay, Irrigation Manager, 13805 N. Arizona Boulevard, Coolidge, AZ 85128, Telephone: (520) 723–6225.
Uintah Irrigation Project	Bart Stevens Superintendent, Ken Asay, Irrigation System Manager, P.O. Box 130, Fort Duchesne, UT 84026, Telephone: (435) 722–4300, (435) 722–4344.
Walker River Irrigation Project	Robert Eben, Superintendent, 311 E. Washington Street, Carson City, NV 89701, Telephone: (775) 887–3500.

What irrigation assessments or charges are adjusted by this notice?

The rate table below contains the current rates for all irrigation projects where we recover costs of administering, operating, maintaining, and rehabilitating them. The table also contains the final rates for the CY 2015 and subsequent years where applicable. An asterisk immediately following the rate category notes the irrigation projects where 2015 rates are different from the 2014 rates.

Project Name	Rate Category	Final 2014 Rate	Final 2015 Rate	Final 2016 Rate **
Flathead Indian Irrigation Project (See Note #1)	Basic-per acre – A	$26.00	$26.00	$26.00
	Basic-per acre – B *	$11.75	$13.00	$13.00
	Minimum Charge per tract *	$65.00	$75.00	$75.00
Fort Hall Irrigation Project	Basic-per acre *	$47.00	$49.00	Not Applicable
	Minimum Charge per tract *	$32.50	$35.00	Not Applicable
Fort Hall Irrigation Project - Minor Units	Basic-per acre *	$24.00	$27.00	Not Applicable
	Minimum Charge per tract *	$32.50	$35.00	Not Applicable
Fort Hall Irrigation Project – Michaud	Basic-per acre *	$47.00	$50.50	Not Applicable
	Pressure per acre *	$65.00	$72.50	Not Applicable
	Minimum Charge per tract *	$32.50	$35.00	Not Applicable
Wapato Irrigation Project – Toppenish/Simcoe Units	Minimum Charge for per bill *	$23.00	$24.00	Not Applicable
	Basic-per acre *	$23.00	$24.00	Not Applicable
Wapato Irrigation Project - Ahtanum Units	Minimum Charge per bill *	$24.00	$25.00	Not Applicable
	Basic-per acre *	$24.00	$25.00	Not Applicable
Wapato Irrigation Project - Satus Unit	Minimum Charge per bill *	$76.00	$79.00	Not Applicable
	"A" Basic-per acre *	$76.00	$79.00	Not Applicable
	"B" Basic-per acre *	$82.00	$85.00	Not Applicable
Wapato Irrigation Project - Additional Works	Minimum Charge per bill *	$71.00	$75.00	Not Applicable
	Basic-per acre *	$71.00	$75.00	Not Applicable
Wapato Irrigation Project - Water Rental	Minimum Charge *	$84.00	$86.00	Not Applicable
	Basic-per acre *	$84.00	$86.00	Not Applicable

Rocky Mountain Region Rate Table				
Project Name	Rate Category	Final 2014 Rate	Final 2015 Rate	Final 2016 Rate **
Blackfeet Irrigation Project	Basic-per acre *	$19.50	$20.00	Not Applicable
Crow Irrigation Project – Willow Creek O&M (includes Agency, Lodge Grass #1, Lodge Grass #2, Reno, Upper Little Horn, and Forty Mile Units)	Basic-per acre	$24.80	$24.80	Not Applicable
Crow Irrigation Project – All Others (includes Bighorn, Soap Creek, and Pryor Units)	Basic-per acre *	$24.50	$24.80	Not Applicable
Crow Irrigation Project - Two Leggins Unit	Basic-per acre	$14.00	$14.00	Not Applicable
Crow Irrigation Two Leggins Drainage District	Basic-per acre	$2.00	$2.00	Not Applicable
Fort Belknap Irrigation Project	Basic-per acre	$15.00	$15.00	Not Applicable
Fort Peck Irrigation Project	Basic-per acre	$26.00	$26.00	Not Applicable
Wind River Irrigation Project – Units 2, 3 and 4	Basic-per acre	$21.00	$21.00	Not Applicable
Wind River Irrigation Project – LeClair District (see Note#2)	Basic-per acre *	$28.80	$25.70	Not Applicable
Wind River Irrigation Project – Crow Heart Unit	Basic-per acre	$14.00	$14.00	Not Applicable

Wind River Irrigation Project – A Canal Unit	Basic-per acre	$ 14.00	$14.00	Not Applicable
Wind River Irrigation Project – Riverton Valley Irrigation District	Basic-per acre	$21.00	$21.00	Not Applicable

Southwest Region Rate Table

Project Name	Rate Category	Final 2014 Rate	Final 2015 Rate	Final 2016 Rate **
Pine River Irrigation Project	Minimum Charge per tract	$50.00	$50.00	Not Applicable
	Basic-per acre *	$15.00	$17.00	Not Applicable

Western Region Rate Table

Project Name	Rate Category	Final 2014 Rate	Final 2015 Rate	Final 2016 Rate
Colorado River Irrigation Project	Basic-per acre up to 5.75 acre-feet	$54.00	$54.00	Not Applicable
	Excess Water per acre-foot over 5.75 acre-feet	$17.00	$17.00	Not Applicable
Duck Valley Irrigation Project	Basic-per acre	$5.30	$5.30	Not Applicable
Yuma Project, Indian Unit (See Note #3)	Basic-per acre up to 5.0 acre-feet *	$91.00	$108.50	Not Applicable
	Excess Water per acre-foot over 5.0 acre-feet *	$17.00	$24.50	Not Applicable
	Basic-per acre up to 5.0 acre-feet (Ranch 5) *	$91.00	$108.50	Not Applicable
San Carlos Irrigation Project	Basic-per acre *	$30.00	$35.00	$30.00

<table>
<tr><td>(Joint Works)
(See Note #4)</td><td colspan="4">Final 2014 – 2016 Construction Water Rate Schedule:
<table>
<tr><th></th><th>Off Project Construction</th><th>On Project Construction - Gravity Water</th><th>On Project Construction - Pump Water</th></tr>
<tr><td>Administrative Fee</td><td>$300.00</td><td>$300.00</td><td>$300.00</td></tr>
<tr><td>Usage Fee</td><td>$250.00 per month</td><td>No Fee</td><td>$100.00 per acre-foot</td></tr>
<tr><td>Excess Water Rate†</td><td>$5 per 1000 gal</td><td>No charge</td><td>No charge</td></tr>
</table>
†The excess water rate applies to all water used in excess of 50,000 gallons in any one month.</td></tr>
<tr><td>San Carlos Irrigation Project (Indian Works)
(See Note #5)</td><td>Basic-per acre *</td><td>$81.00</td><td>$86.00</td><td>Not Applicable</td></tr>
<tr><td>Uintah Irrigation Project</td><td>Basic-per acre</td><td>$18.00</td><td>$18.00</td><td>Not Applicable</td></tr>
<tr><td></td><td>Minimum Bill</td><td>$25.00</td><td>$25.00</td><td>Not Applicable</td></tr>
<tr><td>Walker River Irrigation Project</td><td>Basic-per acre *</td><td>$28.00</td><td>$31.00</td><td>Not Applicable</td></tr>
</table>

* Notes irrigation projects where rates are adjusted.

** The requirement for a Final 2016 Rate is only applicable to the Flathead and San Carlos Irrigation Projects due to their specific billing requirements.

Note #1 The BIA reassumed Management and Operation of FIIP in April 2014. The 2014 and 2015 rates were established by the previous Project Operator and are considered final.

Note #2 The O&M rate varies yearly based upon the budget submitted by the LeClair District.

Note #3 The O&M rate for the Yuma Project, Indian Unit has two components. The first component is the O&M rate established by the Bureau of Reclamation (BOR), the owner and operator of the Project. The BOR rate for 2015 is $107/acre. The second component is for the O&M rate established by BIA to cover administrative costs, including billing and collections for the Project. The 2015 BIA rate is $1.50/acre.

Note #4 The Construction Water Rate schedule and the CY 2015 rate was established by final notice in the Federal Register on March 6, 2015 (80 FR 12197).

The CY 2016 rate was proposed by notice in the Federal Register on June 11, 2015 (80 FR 33279). This notice makes final the 2016 rate for the SCIP-JW.

Note #5 The 2015 O&M rate for the San Carlos Irrigation Project – Indian Works has three components. The first component is the O&M rate established by the San Carlos Irrigation Project – Indian Works, the owner and operator of the Project; this rate is $45 per acre. The second component is for the O&M rate established by the San Carlos Irrigation Project – Joint Works and is determined to be $35.00 per acre. The third component is the O&M rate established by the San Carlos Irrigation Project Joint Control Board and is $6 per acre.

Consultation and Coordination With Tribal Governments (Executive Order 13175)

To fulfill its consultation responsibility to tribes and tribal organizations, BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, and costs of administration, operation, maintenance, and rehabilitation of projects that concern them. This is accomplished at the individual irrigation project by pProject, aAgency, and rRegional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment rates.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The rate adjustments will have no adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies) should the rate adjustments be implemented. This is a notice for rate adjustments at BIA-owned and operated irrigation projects, except for the Fort Yuma Irrigation Project. The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation with a portion serving the Fort Yuma Indian Reservation.

Regulatory Planning and Review (Executive Order 12866)

These rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

These rate adjustments are not a rule for the purposes of the Regulatory Flexibility Act because they establish "a rule of particular applicability relating to rates." 5 U.S.C. 601(2).

Unfunded Mandates Reform Act of 1995

These rate adjustments do not impose an unfunded mandate on State, local, or tribal governments in the aggregate, or on the private sector, of more than $130 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, the Department is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Takings (Executive Order 12630)

The Department has determined that these rate adjustments do not have significant "takings" implications. The rate adjustments do not deprive the public, state, or local governments of rights or property.

Federalism (Executive Order 13132)

The Department has determined that these rate adjustments do not have significant Federalism effects because they will not affect the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government.

Civil Justice Reform (Executive Order 12988)

In issuing this rule, the Department has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988.

Paperwork Reduction Act of 1995

These rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget, under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076–0141 and expires March 31, 2016.

National Environmental Policy Act

The Department has determined that these rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370(d)).

Data Quality Act

In developing this notice, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554).

Dated: April 20, 2016.

Lawrence S. Roberts,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2016–10045 Filed 4–28–16; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[167 A2100DD/AAKC001030/ A0A501010.999900]

Renewal of Agency Information Collection for Acquisition of Trust Land

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for Acquisition of Trust Land authorized by OMB Control Number 1076–0100. This information collection expires August 31, 2016.

DATES: Submit comments on or before June 28, 2016.

ADDRESSES: You may submit comments on the information collection to Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, MS–4639–MIB, 1849 C Street, NW., Washington, DC 20240; fax: (202) 219–1065; email: *Sharlene.Roundface@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Abstract

The BIA is seeking renewal of the approval for the information collection conducted under 25 CFR part 151, Land Acquisitions, for the United States to take land into trust for individual Indians and Indian Tribes. This information collection allows the BIA to review applications for compliance with regulatory and statutory requirements. No specific form is used. No third party notification or public disclosure burden is associated with this collection.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0100.

Title: Acquisition of Trust Land, 25 CFR 151.

Brief Description of Collection: Submission of this information allows Bureau of Indian Affairs (BIA) to review applications for the acquisition of land into trust status by the United Stated on behalf of individual Indians and Indian Tribes, pursuant to 25 CFR part 151. The information also allows the Secretary to comply with the National Environmental Policy Act and to determine if title to the subject property is marketable and unencumbered. No specific form is used, but respondents supply information and data in accordance with 25 CFR part 151, so that BIA may make an evaluation and determination on the application.

Type of Review: Extension without change of currently approved collection.

Respondents: Individual Indians and Indian Tribes seeking acquisition of land into trust status.

Number of Respondents: 326.

Number of Responses: 326.

Estimated Time per Response: Ranges from 60 to 110 hours.

Frequency of Response: Once per each tract of land to be acquired.

Estimated Total Annual Hour Burden: 34,670 hours.

Obligation to Respond: Response is required to obtain a benefit.

Estimated Total Hourly Cost Burden: $1,503,716.

Estimated Total Non-Hour Cost Burden: $0.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2016–10004 Filed 4–28–16; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[167A2100DD/AAKC001030/A0A501010.999900]

List of Programs Eligible for Inclusion in Funding Agreements Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs and Fiscal Year 2016 Programmatic Targets

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice lists programs or portions of programs that are eligible for inclusion in Funding Agreements with self-governance Indian Tribes and lists Fiscal Year 2016 programmatic targets for each of the non-Bureau of Indian Affairs (BIA) bureaus in the Department of the Interior, pursuant to the Tribal Self-Governance Act.

DATES: These programs are eligible for inclusion in Funding Agreements until September 30, 2016.

ADDRESSES: Inquiries or comments regarding this notice may be directed to Ms. Sharee M. Freeman, Director, Office of Self-Governance (MS 355H–SIB), 1849 C Street NW., Washington, DC 20240–0001, telephone: (202) 219–0240, fax: (202) 219–1404, or to the bureau-specific points of contact listed below.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth D. Reinfeld, Office of Self-Governance, telephone: (703) 390–6551 or (202) 821–7107.

SUPPLEMENTARY INFORMATION:

I. Background

Title II of the Indian Self-Determination Act Amendments of 1994 (Pub. L. 103–413, the "Tribal Self-Governance Act" or the "Act") instituted a permanent self-governance program at the Department of the Interior. Under the self-governance program, certain programs, services, functions, and activities, or portions thereof, in Interior bureaus other than BIA are eligible to be planned, conducted, consolidated, and administered by a self-governance Tribe.

Under section 405(c) of the Tribal Self-Governance Act, the Secretary of the Interior is required to publish annually: (1) A list of non-BIA programs, services, functions, and activities, or portions thereof, that are eligible for inclusion in agreements negotiated under the self-governance program and (2) programmatic targets for these bureaus.

Under the Tribal Self-Governance Act, two categories of non-BIA programs are eligible for self-governance funding agreements:

(1) Under section 403(b)(2) of the Act, any non-BIA program, service, function, or activity that is administered by Interior that is "otherwise available to Indian tribes or Indians," can be administered by a Tribe through a self-governance funding agreement. The Department interprets this provision to authorize the inclusion of programs eligible for self-determination contracts under Title I of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638, as amended). Section 403(b)(2) also specifies, "nothing in this subsection may be construed to provide any tribe with a preference with respect to the opportunity of the tribe to administer programs, services, functions, and activities, or portions thereof, unless such preference is otherwise provided for by law."

(2) Under section 403(c) of the Act, the Secretary may include other programs, services, functions, and activities or portions thereof that are of "special geographic, historical, or cultural significance" to a self-governance Tribe.

Under section 403(k) of the Tribal Self-Governance Act, funding agreements cannot include programs, services, functions, or activities that are inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the Tribe. However, a Tribe (or Tribes) need not be identified in the authorizing statutes in order for a program or element to be included in a self-governance funding agreement. While general legal and policy guidance regarding what constitutes an inherently Federal function exists, the non-BIA bureaus will determine whether a specific function is inherently Federal on a case-by-case basis considering the totality of circumstances. In those instances where the Tribe disagrees with the bureau's determination, the Tribe may request reconsideration from the Secretary.

Subpart G of the self-governance regulations found at 25 CFR part 1000 provides the process and timelines for negotiating self-governance funding agreements with non-BIA bureaus.

Response to Comments

Comments on a draft **Federal Register** Notice were requested in a March 19, 2015 Memorandum sent by the Director, Office of Self-Governance to Tribal Self-Governance Coordinators and at a Tribal consultation session held during the Self-Governance Conference on Tuesday, April 28, 2015.

The Yurok Tribe requested that its name be added to the National Park Service list in Section II. The change was made.

Changes Made From 2015 to 2016

The Fish and Wildlife Service indicated that the Confederated Salish and Kootenai Tribes of the Flathead Reservation currently do not have a self-governance funding agreement with the Fish and Wildlife Service. The change was made to the Fish and Wildlife Service list in Section II.

The Fish and Wildlife Service requested that its contact information in Section III be corrected. The change was made.

The National Park Service requested that Maniilaq be dropped and the Yurok Tribe be added to the National Park Service list in Section II. The changes were made.

The National Park Service requested that Death Valley National Park in California, Devils Postpile National Monument in California, Point Reyes National Seashore in California, Crater Lake National Park in Oregon, Oregon Caves National Monument in Oregon, and Fort Vancouver National Historic Site be added to the National Park Service list in Section III. The changes were made.

II. Funding Agreements Between Self-Governance Tribes and Non-BIA Bureaus of the Department of the Interior for Fiscal Year 2016

A. Bureau of Land Management (1)
  Council of Athabascan Tribal Governments
B. Bureau of Reclamation (5)
  Gila River Indian Community
  Chippewa Cree Tribe of Rocky Boy's Reservation
  Hoopa Valley Tribe
  Karuk Tribe of California
  Yurok Tribe
C. Office of Natural Resources Revenue (none)
D. National Park Service (2)
  Grand Portage Band of Lake Superior Chippewa Indians
  Yurok Tribe
E. Fish and Wildlife Service (1)
  Council of Athabascan Tribal Governments
F. U.S. Geological Survey (none)
G. Office of the Special Trustee for American Indians (1)
  Confederated Salish and Kootenai Tribes of the Flathead Reservation

III. Eligible Programs of the Department of the Interior Non-BIA Bureaus

Below is a listing by bureau of the types of non-BIA programs, or portions thereof, that may be eligible for self-governance funding agreements because they are either "otherwise available to Indians" under Title I and not precluded by any other law, or may have "special geographic, historical, or cultural significance" to a participating Tribe. The list represents the most current information on programs potentially available to Tribes under a self-governance funding agreement.

The Department will also consider for inclusion in funding agreements other programs or activities not listed below, but which, upon request of a self-governance Tribe, the Department determines to be eligible under either sections 403(b)(2) or 403(c) of the Act. Tribes with an interest in such potential agreements are encouraged to begin discussions with the appropriate non-BIA bureau.

A. Eligible Bureau of Land Management (BLM) Programs

The BLM carries out some of its activities in the management of public lands through contracts and cooperative agreements. These and other activities, depending upon availability of funds, the need for specific services, and the self-governance Tribe's demonstration of a special geographic, cultural, or historical connection, may also be available for inclusion in self-governance funding agreements. Once a Tribe has made initial contact with the BLM, more specific information will be provided by the respective BLM State office.

Some elements of the following programs may be eligible for inclusion in a self-governance funding agreement. This listing is not all-inclusive, but is representative of the types of programs that may be eligible for Tribal participation through a funding agreement.

Tribal Services

1. Minerals Management. Inspection and enforcement of Indian oil and gas operations: Inspection, enforcement and production verification of Indian coal and sand and gravel operations are already available for contracts under Title I of the Act and, therefore, may be available for inclusion in a funding agreement.

2. Cadastral Survey. Tribal and allottee cadastral survey services are already available for contracts under Title I of the Act and, therefore, may be available for inclusion in a funding agreement.

Other Activities

1. Cultural heritage. Cultural heritage activities, such as research and inventory, may be available in specific States.

2. Natural Resources Management. Activities such as silvicultural treatments, timber management, cultural resource management, watershed restoration, environmental studies, tree planting, thinning, and similar work, may be available in specific States.

3. Range Management. Activities, such as revegetation, noxious weed control, fencing, construction and management of range improvements, grazing management experiments, range monitoring, and similar activities, may be available in specific States.

4. Riparian Management. Activities, such as facilities construction, erosion control, rehabilitation, and other similar activities, may be available in specific States.

5. Recreation Management. Activities, such as facilities construction and maintenance, interpretive design and construction, and similar activities may be available in specific States.

6. Wildlife and Fisheries Habitat Management. Activities, such as construction and maintenance, implementation of statutory, regulatory and policy or administrative plan-based species protection, interpretive design and construction, and similar activities may be available in specific States.

7. Wild Horse Management. Activities, such as wild horse round-ups, adoption and disposition, including operation and maintenance of wild horse facilities, may be available in specific States.

For questions regarding self-governance, contact Jerry Cordova, Bureau of Land Management (MS L St-204), 1849 C Street NW., Washington, DC 20240, telephone: (202) 912–7245, fax: (202) 452–7701.

B. Eligible Bureau of Reclamation (Reclamation) Programs

The mission of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. To this end, most of Reclamation's activities involve the construction, operation and maintenance, and management of water resources projects and associated facilities, as well as research and development related to its responsibilities. Reclamation water resources projects provide water for agricultural, municipal and industrial water supplies; hydroelectric power generation; flood control, enhancement of fish and wildlife habitats; and outdoor recreation.

Components of the following water resource projects listed below may be eligible for inclusion in a self-governance annual funding agreement. This list was developed with consideration of the proximity of identified self-governance Tribes to Reclamation projects.

1. Klamath Project, California and Oregon.
2. Trinity River Fishery, California.
3. Central Arizona Project, Arizona.
4. Rocky Boy's/North Central Montana Regional Water System, Montana.
5. Indian Water Rights Settlement Projects, as authorized by Congress.

Upon the request of a self-governance Tribe, Reclamation will also consider for inclusion in funding agreements other programs or activities which Reclamation determines to be eligible under Section 403(b)(2) or 403(c) of the Act.

For questions regarding self-governance, contact Mr. Kelly Titensor, Policy Analyst, Native American and International Affairs Office, Bureau of Reclamation (96–43000) (MS 7069–MIB); 1849 C Street NW., Washington DC 20240, telephone: (202) 513–0558, fax: (202) 513–0311.

C. Eligible Office of Natural Resources Revenue (ONRR) Programs

The Office of Natural Resources Revenue (ONNR) collects, accounts for, and distributes mineral revenues from both Federal and Indian mineral leases.

The ONRR also evaluates industry compliance with laws, regulations, and lease terms, and offers mineral-owning Tribes opportunities to become involved in its programs that address the intent of Tribal self-governance. These programs are available to self-governance Tribes and are a good preparation for assuming other technical functions. Generally, ONRR program functions are available to Tribes because of the Federal Oil and Gas Royalty Management Act of 1983 (FOGRMA) at 30 U.S.C. 1701. The ONRR promotes Tribal self-governance and self-determination over trust lands and resources through the following program functions that may be available to self-governance Tribes:

1. Audit of Tribal Royalty Payments. Audit activities for Tribal leases, except for the issuance of orders, final valuation decisions, and other enforcement activities. (For Tribes already participating in ONRR cooperative audits, this program is offered as an option.)

2. Verification of Tribal Royalty Payments. Financial compliance verification, monitoring activities, and production verification.

3. Tribal Royalty Reporting, Accounting, and Data Management. Establishment and management of royalty reporting and accounting systems including document processing, production reporting, reference data (lease, payor, agreement) management, billing and general ledger.

4. Tribal Royalty Valuation. Preliminary analysis and recommendations for valuation, and allowance determinations and approvals.

5. Royalty Internship Program. An orientation and training program for auditors and accountants from mineral-producing Tribes to acquaint Tribal staff with royalty laws, procedures, and techniques. This program is recommended for Tribes that are considering a self-governance funding agreement, but have not yet acquired mineral revenue expertise via a FOGRMA section 202 cooperative agreement, as this term is defined in FOGRMA and implementing regulations at 30 CFR 228.4.

For questions regarding self-governance, contact Mr. Paul Tyler, Program Manager, Office of Natural Resources Revenue, Denver Federal Center, 6th & Kipling, Building 67, Room 698, Denver, Colorado 80225–0165, telephone: (303) 231–3413 or fax: (303) 231–3091.

D. Eligible National Park Service (NPS) Programs

The NPS administers the National Park System, which is made up of national parks, monuments, historic sites, battlefields, seashores, lake shores and recreation areas. The NPS maintains the park units, protects the natural and cultural resources, and conducts a range of visitor services such as law enforcement, park maintenance, and interpretation of geology, history, and natural and cultural resources.

Some elements of the following programs may be eligible for inclusion in a self-governance funding agreement. This list below was developed considering the proximity of an identified self-governance Tribe to a national park, monument, preserve, or recreation area and the types of programs that have components that may be suitable for administering through a self-governance funding agreement. This list is not all-inclusive, but is representative of the types of programs which may be eligible for Tribal participation through funding agreements.

Elements of Programs That May Be Eligible for Inclusion in a Self-Governance Funding Agreement

1. Archaeological Surveys
2. Comprehensive Management Planning
3. Cultural Resource Management Projects
4. Ethnographic Studies
5. Erosion Control
6. Fire Protection
7. Gathering Baseline Subsistence Data—Alaska
8. Hazardous Fuel Reduction
9. Housing Construction and Rehabilitation
10. Interpretation
11. Janitorial Services
12. Maintenance
13. Natural Resource Management Projects
14. Operation of Campgrounds
15. Range Assessment—Alaska
16. Reindeer Grazing—Alaska
17. Road Repair
18. Solid Waste Collection and Disposal
19. Trail Rehabilitation
20. Watershed Restoration and Maintenance
21. Beringia Research
22. Elwha River Restoration
23. Recycling Programs

Locations of National Park Service Units With Close Proximity to Self-Governance Tribes

1. Aniakchack National Monument & Preserve—Alaska
2. Bering Land Bridge National Preserve—Alaska
3. Cape Krusenstern National Monument—Alaska
4. Denali National Park & Preserve—Alaska
5. Gates of the Arctic National Park & Preserve—Alaska
6. Glacier Bay National Park and Preserve—Alaska
7. Katmai National Park and Preserve—Alaska
8. Kenai Fjords National Park—Alaska
9. Klondike Gold Rush National Historical Park—Alaska
10. Kobuk Valley National Park—Alaska
11. Lake Clark National Park and Preserve—Alaska
12. Noatak National Preserve—Alaska
13. Sitka National Historical Park—Alaska
14. Wrangell-St. Elias National Park and Preserve—Alaska
15. Yukon-Charley Rivers National Preserve—Alaska
16. Casa Grande Ruins National Monument—Arizona
17. Hohokam Pima National Monument—Arizona
18. Montezuma Castle National Monument—Arizona

19. Organ Pipe Cactus National Monument—Arizona
20. Saguaro National Park—Arizona
21. Tonto National Monument—Arizona
22. Tumacacori National Historical Park—Arizona
23. Tuzigoot National Monument—Arizona
24. Arkansas Post National Memorial—Arkansas
25. Death Valley National Park—California
26. Devils Postpile National Monument—California
27. Joshua Tree National Park—California
28. Lassen Volcanic National Park—California
29. Point Reyes National Seashore—California
30. Redwood National Park—California
31. Whiskeytown National Recreation Area—California
32. Yosemite National Park—California
33. Hagerman Fossil Beds National Monument—Idaho
34. Effigy Mounds National Monument—Iowa
35. Fort Scott National Historic Site—Kansas
36. Tallgrass Prairie National Preserve—Kansas
37. Boston Harbor Islands National Recreation Area—Massachusetts
38. Cape Cod National Seashore—Massachusetts
39. New Bedford Whaling National Historical Park—Massachusetts
40. Isle Royale National Park—Michigan
41. Sleeping Bear Dunes National Lakeshore—Michigan
42. Grand Portage National Monument—Minnesota
43. Voyageurs National Park—Minnesota
44. Bear Paw Battlefield, Nez Perce National Historical Park—Montana
45. Glacier National Park—Montana
46. Great Basin National Park—Nevada
47. Aztec Ruins National Monument—New Mexico
48. Bandelier National Monument—New Mexico
49. Carlsbad Caverns National Park—New Mexico
50. Chaco Culture National Historic Park—New Mexico
51. Pecos National Historic Park—New Mexico
52. White Sands National Monument—New Mexico
53. Fort Stanwix National Monument—New York
54. Great Smoky Mountains National Park—North Carolina/Tennessee
55. Cuyahoga Valley National Park—Ohio
56. Hopewell Culture National Historical Park—Ohio
57. Chickasaw National Recreation Area—Oklahoma
58. Crater Lake National Park—Oregon
59. John Day Fossil Beds National Monument—Oregon
60. Alibates Flint Quarries National Monument—Texas
61. Guadalupe Mountains National Park—Texas
62. Lake Meredith National Recreation Area—Texas
63. Ebey's Landing National Recreation Area—Washington
64. Fort Vancouver National Historic Site—Washington
65. Mount Rainier National Park—Washington
66. Olympic National Park—Washington
67. San Juan Islands National Historic Park—Washington
68. Whitman Mission National Historic Site—Washington

For questions regarding self-governance, contact Mr. Joe Watkins, Chief, American Indian Liaison Office, National Park Service (Org. 2560, 9th Floor), 1201 Eye Street NW., Washington, DC 20005–5905, telephone: (202) 354–6962, fax: (202) 371–6609, or email: *joe_watkins@nps.gov.*

E. Eligible Fish and Wildlife Service (Service) Programs

The mission of the Service is to conserve, protect, and enhance fish, wildlife, and their habitats for the continuing benefit of the American people. Primary responsibilities are for migratory birds, endangered species, freshwater and anadromous fisheries, and certain marine mammals. The Service also has a continuing cooperative relationship with a number of Indian Tribes throughout the National Wildlife Refuge System and the Service's fish hatcheries. Any self-governance Tribe may contact a National Wildlife Refuge or National Fish Hatchery directly concerning participation in Service programs under the Tribal Self-Governance Act. This list is not all-inclusive, but is representative of the types of Service programs that may be eligible for Tribal participation through an annual funding agreement.

1. Subsistence Programs within the State of Alaska. Evaluate and analyze data for annual subsistence regulatory cycles and other data trends related to subsistence harvest needs and facilitate Tribal Consultation to ensure ANILCA Title VII terms are being met, as well as activities fulfilling the terms of Title VIII of ANILCA.

2. Technical Assistance, Restoration and Conservation. Conduct planning and implementation of population surveys, habitat surveys, restoration of sport fish, capture of depredating migratory birds, and habitat restoration activities.

3. Endangered Species Programs. Conduct activities associated with the conservation and recovery of threatened or endangered species protected under the Endangered Species Act (ESA) or candidate species under the ESA. These activities may include, but are not limited to, cooperative conservation programs, development of recovery plans and implementation of recovery actions for threatened and endangered species, and implementation of status surveys for high priority candidate species.

4. Education Programs. Provide services in interpretation, outdoor classroom instruction, visitor center operations, and volunteer coordination both on and off national Wildlife Refuge lands in a variety of communities, and assist with environmental education and outreach efforts in local villages.

5. Environmental Contaminants Program. Conduct activities associated with identifying and removing toxic chemicals, to help prevent harm to fish, wildlife and their habitats. The activities required for environmental contaminant management may include, but are not limited to, analysis of pollution data, removal of underground storage tanks, specific cleanup activities, and field data gathering efforts.

6. Wetland and Habitat Conservation Restoration. Provide services for construction, planning, and habitat monitoring and activities associated with conservation and restoration of wetland habitat.

7. Fish Hatchery Operations. Conduct activities to recover aquatic species listed under the Endangered Species Act, restore native aquatic populations, and provide fish to benefit National Wildlife Refuges and Tribes that may be eligible for a self-governance funding agreement. Such activities may include, but are not limited to: Tagging, rearing and feeding of fish, disease treatment, and clerical or facility maintenance at a fish hatchery.

8. National Wildlife Refuge Operations and Maintenance. Conduct activities to assist the National Wildlife Refuge System, a national network of lands and waters for conservation, management and restoration of fish, wildlife and plant resources and their habitats within the United States. Activities that may be eligible for a self-governance funding agreement may include, but are not limited to: Construction, farming, concessions, maintenance, biological program efforts, habitat management, fire management,

and implementation of comprehensive conservation planning.

Locations of Refuges and Hatcheries With Close Proximity to Self-Governance Tribes

The Service developed the list below based on the proximity of identified self-governance Tribes to Service facilities that have components that may be suitable for administering through a self-governance funding agreement.

1. Alaska National Wildlife Refuges—Alaska
2. Alchesay National Fish Hatchery—Arizona
3. Humboldt Bay National Wildlife Refuge—California
4. Kootenai National Wildlife Refuge—Idaho
5. Agassiz National Wildlife Refuge—Minnesota
6. Mille Lacs National Wildlife Refuge—Minnesota
7. Rice Lake National Wildlife Refuge—Minnesota
8. National Bison Range—Montana
9. Ninepipe National Wildlife Refuge—Montana
10. Pablo National Wildlife Refuge—Montana
11. Sequoyah National Wildlife Refuge—Oklahoma
12. Tishomingo National Wildlife Refute—Oklahoma
13. Bandon Marsh National Wildlife Refuge—Washington
14. Dungeness National Wildlife Refuge—Washington
15. Makah National Fish Hatchery—Washington
16. Nisqually National Wildlife Refuge—Washington
17. Quinault National Fish Hatchery—Washington
18. San Juan Islands National Wildlife Refuge—Washington
19. Tamarac National Wildlife Refuge—Wisconsin

For questions regarding self-governance, contact Mr. Scott Aikin, Fish and Wildlife Service, National Native American Programs Coordinator, 1211 SE Cardinal Court, Suite 100, Vancouver, Washington 98683, telephone (360) 604–2531 or fax (360) 604–2505.

F. Eligible U.S. Geological Survey (USGS) Programs

The mission of the USGS is to collect, analyze, and provide information on biology, geology, hydrology, and geography that contributes to the wise management of the Nation's natural resources and to the health, safety, and well-being of the American people. This information is usually publicly available and includes maps, data bases, and descriptions and analyses of the water, plants, animals, energy, and mineral resources, land surface, underlying geologic structure, and dynamic processes of the earth. The USGS does not manage lands or resources. Self-governance Tribes may potentially assist the USGS in the data acquisition and analysis components of its activities.

For questions regarding self-governance, contact Ms. Monique Fordham, Esq., National Tribal Liaison, U.S. Geological Survey, 12201 Sunrise Valley Drive, Reston, Virginia 20192, telephone (703) 648–4437 or fax (703) 648–6683.

G. Eligible Office of the Special Trustee for American Indians (OST) Programs

The Department of the Interior has responsibility for what may be the largest land trust in the world, approximately 56 million acres. OST oversees the management of Indian trust assets, including income generated from leasing and other commercial activities on Indian trust lands, by maintaining, investing and disbursing Indian trust financial assets, and reporting on these transactions. The mission of the OST is to serve Indian communities by fulfilling Indian fiduciary trust responsibilities. This is to be accomplished through the implementation of a Comprehensive Trust Management Plan (CTM) that is designed to improve trust beneficiary services, ownership information, management of trust fund assets, and self-governance activities.

A Tribe operating under self-governance may include the following programs, services, functions, and activities or portions thereof in a funding agreement:

1. Beneficiary Processes Program (Individual Indian Money Accounting Technical Functions).

2. Appraisal Services Program. Tribes/consortia that currently perform these programs under a self-governance funding agreement with the Office of Self-Governance (OSG) may negotiate a separate memorandum of understanding (MOU) with OST that outlines the roles and responsibilities for management of these programs.

The MOU between the Tribe/consortium and OST outlines the roles and responsibilities for the performance of the OST program by the Tribe/consortium. If those roles and responsibilities are already fully articulated in the existing funding agreement with the OSG, an MOU is not necessary. To the extent that the parties desire specific program standards, an MOU will be negotiated between the Tribe/consortium and OST, which will be binding on both parties and attached and incorporated into the OSG funding agreement.

If a Tribe/consortium decides to assume the operation of an OST program, the new funding for performing that program will come from OST program dollars. A Tribe's newly-assumed operation of the OST program(s) will be reflected in the Tribe's OSG funding agreement.

For questions regarding self-governance, contact Mr. Lee Frazier, Program Analyst, Office of External Affairs, Office of the Special Trustee for American Indians (MS 5140–MIB), 1849 C Street NW., Washington, DC 20240–0001, phone: (202) 208–7587, fax: (202) 208–7545.

IV. Programmatic Targets

The programmatic target for Fiscal Year 2016 provides that, upon request of a self-governance Tribe, each non-BIA bureau will negotiate funding agreements for its eligible programs beyond those already negotiated.

V. Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 19, 2016.

Lawrence S. Roberts,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2016–10040 Filed 4–28–16; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Docket No. ONRR–2012–0003; DS63602000 DR2000000.PX8000 167D0102R2]

U.S. Extractive Industries Transparency Initiative Public Outreach

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice announces the public outreach session/webinar regarding the U.S. Extractive Industries Transparency Initiative (USEITI) to increase awareness and dissemination of the 2015 USEITI Report and the benefits of EITI.

DATES: The public outreach session/webinar will be from 2:00–4:00 p.m. ET on May 3, 2016.

ADDRESSES: The public outreach session/webinar will be held in the Rachel Carson Room of the Stewart Lee Udall Department of the Interior Building located at 1849 C Street NW., Washington, DC 20240. Members of the public may attend in person or view documents and presentations under discussion via Live Meeting Net Conference at *https://www.mymeetings.com/nc/join/*. If joining via Live Meeting Net Conference: Enter conference number PW7730142 and audience passcode 7741096, and listen to the proceedings at telephone number 1–888–455–2910 and international toll number 210–839–8953 (passcode: 7741096).

FOR FURTHER INFORMATION CONTACT: Rosita Compton Christian, USEITI Secretariat; 1849 C Street NW., MS 4211, Washington, DC 20240. You may also contact the USEITI Secretariat via email at *useiti@ios.doi.gov,* by phone at 202–208–0272 or by fax at 202–513–0682.

SUPPLEMENTARY INFORMATION: The U.S. Department of the Interior established the USEITI Advisory Committee (Committee) on July 26, 2012, to oversee the domestic implementation of this voluntary, global initiative designed to increase transparency and accountability in the governance of extractive industries revenue management. More information about the Committee, including its charter, and public meetings can be found at *www.doi.gov/eiti/faca.*

This Public Outreach session/webinar will provide the public awareness of EITI and its benefits, update stakeholders on status of U.S. compliance with the global standard, and demonstrate the interactive on-line 2015 first annual USEITI Report. The USEITI Report can be found at *https://useiti.doi.gov/*. This session will also provide an opportunity for public comment on the First Annual USEITI Report.

Background: In September 2011, President Barack Obama announced the United States' commitment to participate in the Extractive Industries Transparency Initiative. Implementing EITI is a signature initiative of the U.S. National Action Plans for an Open Government Partnership. EITI offers a voluntary framework for companies and governments to publicly disclose in parallel the revenues paid and received for extraction of oil, gas, and minerals. The design of each framework is country-specific and is developed through a multi-year, consensus-based process by a multi-stakeholder group comprised of government, industry, and civil society representatives. President Obama named Secretary of the Interior the U.S. Senior Official responsible for implementing USEITI. The U.S. achieved Candidate Country status on March 14, 2014. USEITI published its First Annual Report on December 16, 2015. For further information on EITI, please visit the USEITI Web page at *http://www.doi.gov/EITI.*

Dated: April 22, 2016.

Gregory Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2016–10115 Filed 4–28–16; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF THE INTERIOR

[167A2100DD/AAKC001030/A0A501010.999900]

Office of the Assistant Secretary—Indian Affairs; School Facilities Construction List

AGENCY: Office of the Assistant Secretary—Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Acting Assistant Secretary—Indian Affairs has selected 10 schools as the next set of schools eligible to receive funding to replace their school facilities.

FOR FURTHER INFORMATION CONTACT: Mr. Darrell LaRoche, Director, Office of Facilities, Property, and Safety Management, Office of the Assistant Secretary—Indian Affairs (703) 390–6314, *darrell.laroche@bia.gov.*

SUPPLEMENTARY INFORMATION: The No Child Left Behind (NCLB) School Facilities and Construction Negotiated Rule-Making Committee established the process and criteria for determining the priority in which the Department of the Interior would proceed with campus-wide school replacement. The criteria can be viewed at pages 37–41 of the Committee's Report, available here: *http://www.bia.gov/cs/groups/xraca/documents/document/idc1-025523.pdf.* In accordance with that process, the National Review Committee (NRC) (a committee of educators, facility and safety experts, representative from the Division of Facilities Management and Construction, and the Bureau of Indian Education) established that 78 Bureau of Indian Education funded schools were eligible to apply for replacement in this cycle. Of those 78 schools, 53 schools applied for consideration. The NRC reviewed the schools' applications using criteria identified in the NCLB report, scored each application using objective criteria, ranked them according to their numerical score, and identified the 10 highest scoring projects. Those schools were invited to present at a public hearing to show the condition of their school campuses and to answer questions.

For Fiscal Year (FY) 2016, the National Review Committee identified the 10 schools listed below and invited those schools to a present at a public meeting in February 2016, in Albuquerque, New Mexico. The Acting Assistant Secretary—Indian Affairs has determined that all 10 schools need to be replaced and, therefore, all 10 schools should be eligible for funding, as it becomes available through Congressional appropriations, in this cycle.

- Blackwater Community School
- Chichiltah/Jones Ranch Community School
- Crystal Boarding School
- Dzilth-Na-O-Dith-Hle Community School
- Greasewood Springs Community School
- Laguna Elementary School
- Lukachukai Community School
- Quileute Tribal School
- T'iis Nazbas Community School
- Tonalea (Red Lake) Day School

The selection of these 10 schools is based on criteria, such as the Facility Condition Index, and other measures outlined in the NCLB report. The Office of the Assistant Secretary—Indian Affairs will place these 10 in order of readiness based on when each school completes the planning process. Design and construction for these projects is contingent on the budget process.

Dated: August 21, 2016.

Lawrence S. Roberts,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2016–10044 Filed 4–28–16; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[16X L1109AF LLUT980300 L10100000.XZ0000 24.1A]

Call for Nominations for the Utah Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to request public nominations to fill one recently vacated position on the Utah

Resource Advisory Council (RAC) in category three (employees of a State agency responsible for management of natural resources).

DATES: All nominations must be received no later than May 31, 2016.

ADDRESSES: Nominations should be sent to Lola Bird, Public Affairs Specialist, Utah State Office, Bureau of Land Management, 440 West 200 South, Suite 500, Salt Lake City, UT 84101.

FOR FURTHER INFORMATION CONTACT: Lola Bird, Bureau of Land Management, Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84101; phone (801) 539–4033; or email *lbird@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1739) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the Bureau of Land Management (BLM). Section 309 of FLPMA directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands.

The BLM-Utah RAC is hosting a call for nominations for a vacant position in category three (description addressed in the **SUMMARY** above). Upon appointment, the individual selected will fill the position until the term's ending date of June 22, 2018. Nominees must be residents of Utah. BLM will evaluate nominees based on their education, training, experience, and their knowledge of the geographical area. Nominees should demonstrate a commitment to collaborative resource decision making. The Obama Administration prohibits individuals who are currently federally registered lobbyists to serve on all FACA and non-FACA boards, committees, or councils. The following must accompany all nominations:

—Letters of reference from represented interest or organizations;

—A completed Resource Advisory Council application; and,

—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, the BLM-Utah State Office will issue a press release providing additional information for submitting nominations.

Authority: 43 CFR 1784.4–1.

Approved:

Jenna Whitlock,

Acting State Director.

[FR Doc. 2016–10171 Filed 4–28–16; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD01000 L12100000.MD0000 16XL1109AF]

Meeting of the California Desert District Advisory Council

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) California Desert District Advisory Council (DAC) will meet as indicated below.

DATES: The DAC will participate in a field tour of BLM-administered public lands on Friday, May 20, 2016, from 8:00 a.m. to 5:00 p.m. and will meet in formal session on Saturday, May 21, 2016, from 8:00 a.m. to 5:00 p.m. in Barstow, California. Members of the public are welcome. They must provide their own transportation, meals and beverages. Final agendas for the Friday field trip and the Saturday public meeting, along with the Saturday meeting location, will be posted on the DAC Web page at *http://www.blm.govica/st/eniinfo/rac/dac.html* when finalized.

FOR FURTHER INFORMATION CONTACT: Stephen Razo, BLM California Desert District External Affairs, 1–951–697–5217. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal hours.

SUPPLEMENTARY INFORMATION: All DAC meetings are open to the public. The 15-member council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management on BLM administered lands in the California desert. Public comment for items not on the agenda will be scheduled at the beginning of the meeting Saturday morning. Time for public comment is made available by the council chair during the presentation of various agenda items, and is scheduled at the end of the meeting for topics not on the agenda. While the Saturday meeting is scheduled from 8:00 a.m. to 5:00 p.m., the meeting could conclude prior to 5:00 p.m. should the council conclude its presentations and discussions. Therefore, members of the public interested in a particular agenda item or discussion should schedule their arrival accordingly. Agenda for the Saturday meeting will include updates by council members, the BLM California Desert District Manager, five Field Managers, and council subgroups. Focus topics for the meeting will include Route 66 Corridor Management Plan and renewable energy project updates. Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, External Affairs, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553. Written comments also are accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

Dated: April 13, 2016.

Teresa A. Raml,

California Desert District Manager.

[FR Doc. 2016–09941 Filed 4–28–16; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–20810; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Sam Noble Oklahoma Museum of Natural History at the University of Oklahoma has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that

there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Sam Noble Oklahoma Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Sam Noble Oklahoma Museum of Natural History at the address in this notice by May 31, 2016.

ADDRESSES: Dr. Marc Levine, Assistant Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone 405–325–1994, email *mlevine@ou.edu*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Sam Noble Oklahoma Museum of Natural History. The human remains and associated funerary objects were removed from the following counties in the state of Oklahoma: Bryan, Carter, Coal, Garvin, Marshall, McClain, and Pontotoc.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Sam Noble Oklahoma Museum of Natural History professional staff in consultation with representatives of the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, The Chickasaw Nation, The Choctaw Nation of Oklahoma, and The Quapaw Tribe of Indians.

History and Description of the Remains

On October 22, 1941, human remains representing, at minimum, two individuals were removed from the Wheeler Site (34Br–47) in Bryan County, OK. The Wheeler Site was excavated by the Works Progress Administration, and the human remains were transferred to the Sam Noble Oklahoma Museum of Natural History on an unknown date. One individual was determined to be between the ages of 15 and 21 of indeterminate sex. The second individual is represented by two small postcranial fragments. Age and sex could not be identified. The date of the site associated with the human remains is unknown. No known individuals were identified. No associated funerary objects are present.

In 1934, human remains representing, at minimum, one individual were removed from the Reynolds Place Site (34Br–0/79) in Bryan County, OK. The human remains were discovered when the landowner, Mr. Sharpe, was plowing. The human remains represent an adult male of undetermined age. Mr. Sharpe donated the human remains to the Museum on January 21, 1942. The date of the site associated with the human remains is unknown. No known individuals were identified. The 41 associated funerary objects are 41 shell beads.

On October 16, 1987, human remains representing, at minimum, one individual, were removed from the Butler Site (34Ca–94/1) in Carter County, OK. The human remains are likely an adult male of at least 20 years of age. The human remains were collected by the Oklahoma City Medical Examiner's Office and transferred to the Museum via the Oklahoma Archaeological Survey at an unknown date. The date of the site associated with the human remains is unknown. No known individuals were identified. The five associated funerary objects are 2 shell beads, 1 fossil shell, and 2 animal bone fragments.

On May 1, 1974, human remains representing, at minimum, one individual were removed from the Foreman Site (34Co–29/1) in Coal County, OK. The site was located near the west side of the highway between Clarita and Tupelo at the point where it crosses the Clear Boggy River. The site was first reported by a student to a professor at Southeastern State College in Durant, OK, on March 12, 1974. Officials from the Oklahoma Archaeological Survey were alerted to the presence of human remains at the site, which had been subject to disturbance by pot hunting and road construction. The fragmentary human remains are of indeterminate sex and age. Archeological assessment indicates that these human remains likely date to the Late Archaic or Woodland period. The human remains were transferred from the Oklahoma Archaeological Survey to the Museum at an unknown date. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, three individuals were removed from an unknown location (34Gv–0/20) in Garvin County, OK. The human remains were reportedly recovered in a gravel pit near a stream somewhere in Garvin County. The human remains represent one adult male, one probable adult female, and one adult of indeterminate sex. The human remains were donated to the Museum by an unnamed individual on July 26, 1951. The date of the site associated with the human remains is unknown. No known individuals were identified. The two associated funerary objects are a small shell and a fragment of faunal long bone.

In 1942, human remains representing, at minimum, one individual were removed from Coulter Site (34Ma–22) in Marshall County, OK. The human remains were recovered during Works Progress Administration excavations directed by Dr. Forrest Clements. This single individual, represented by one tooth (a right maxillary molar), was an adult of indeterminate sex. The tooth was transferred from the Oklahoma Archaeological Survey to the Museum at an unknown date. The date of the site associated with the human remains is unknown. No known individuals were identified. No associated funerary objects are present.

In 1942, human remains representing, at minimum, one individual were removed from the Quarrels Site (34Ma–24/14) in Marshall County, OK. The site was located on the bank of Little Glasses Creek, which is presently inundated by Lake Texoma. The human remains consisted of a single fragmentary phalanx of an adult of indeterminate sex. The human remains were transferred to the Museum at an unknown date. The date of the site associated with the human remains is unknown. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, one individual were removed from the Frank Bounds Farm Site (34Ma–0/50) in Marshall County, OK. The human remains, representing an adult of indeterminate sex, were transferred to the Museum sometime before 1995. The date of the site associated with the human remains is unknown. No known individuals were identified. The 20 associated funerary objects consist of 15 pottery sherds and 5 stone tools.

In 1957, human remains representing, at minimum, one individual were removed from site 34Ml–11 in McClain County, OK. The site was located near a small drainage running northeast into the South Canadian River. The human remains were discovered by a road survey conducted as part of a Federal Highway Administration Project. The human remains are highly fragmented with many elements embedded in dirt. The human remains represent a single adult male. The human remains were transferred to the Museum on an unknown date. The date of the site associated with the human remains is unknown. No known individuals were identified. The one associated funerary object is a piece of groundstone.

On an unknown date, human remains representing, at minimum, one individual were removed from the Danna Smith Site (34Ml–7) in McClain County, OK. The human remains included one bone fragment, representing an adult of indeterminate sex. The bone was transferred to the Museum on an unknown date. The date of the site associated with the human remains is unknown. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, one individual were removed from an unknown location (34Pn0/5) in Pontotoc County, OK. The single bone fragment represented an adult of indeterminate sex and was transferred to the Museum on an unknown date. The date of the site associated with the human remains is unknown. This site is mislabeled as "34Pn015." No known individuals were identified. No associated funerary objects are present.

On February 23, 1963, human remains representing, at minimum, one individual were removed from the Townsend Site (34Pn–54) in Pontotoc County, OK. The human remains were collected by Dick McWilliams as part of a surface collection from the site, which is located along an old bank of West Buck Creek near Ada, OK. The human remains represent one adult individual, probably male. The human remains were transferred to the Museum on an unknown date. The date of the site associated with the remains is unknown. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Sam Noble Oklahoma Museum of Natural History

Officials of the Sam Noble Oklahoma Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on a combination of one or more of the following: Osteological evidence, collection history, association with Native American artifacts, and association with prehistoric archeological sites.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 15 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 69 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, The Chickasaw Nation, The Choctaw Nation of Oklahoma, and the Quapaw Tribe of Indians.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, The Chickasaw Nation, The Choctaw Nation of Oklahoma, and the Quapaw Tribe of Indians.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, The Chickasaw Nation, The Choctaw Nation of Oklahoma, and the Quapaw Tribe of Indians.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Marc Levine, Assistant Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone 405–325–1994, email *mlevine@ou.edu,* by May 31, 2016. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, The Chickasaw Nation, The Choctaw Nation of Oklahoma, and the Quapaw Tribe of Indians may proceed.

The Sam Noble Oklahoma Museum of Natural History is responsible for notifying the Chickasaw Nation, Choctaw Nation of Oklahoma, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, and Quapaw Tribe of Indians that this notice has been published.

Dated: April 7, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2016–10069 Filed 4–28–16; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–PWRO–20344; PPPWGOGAP0 PPMPSAS1Z.YP0000]

Draft Environmental Impact Report and Environmental Impact Statement for Vista Grande Drainage Basin Improvement Project, Golden Gate National Recreation Area, San Francisco and San Mateo Counties, California

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS), in cooperation with the City of Daly City (Daly City), has prepared a joint Draft Environmental Impact Report and Environmental Impact Statement (DEIR/EIS) for the Vista Grande Drainage Basin Project (Project). The NPS is the lead agency for environmental review under NEPA, and Daly City is the lead agency for environmental review under the California Environmental Quality Act

(CEQA). Daly City is proposing the Project to address storm-related flooding in the Vista Grande Drainage Basin, while providing the additional benefit of augmenting the level of Lake Merced. The Project would also improve recreational access and reduce litter transfer and deposition along the beach below Fort Funston and maximize the use of existing rights-of-way, easements, and infrastructure to minimize construction-related costs, habitat disturbance, and disruption to recreational users. Daly City is seeking a Special Use Permit from the NPS for construction activities proposed at Fort Funston and update to an existing easement to accommodate the proposed structures within Fort Funston and to clarify the rights and obligations of the parties to the easement.

DATES: All comments must be postmarked or transmitted not later than 60 days from the date of publication in the **Federal Register** of the Environmental Protection Agency's (EPA) notice of filing and release of the DEIR/EIS.

FOR FURTHER INFORMATION CONTACT: Please contact Steve Ortega at the Golden Gate National Recreation Area Planning Division at (415) 561–4955 or *goga_planning@nps.gov.*

SUPPLEMENTARY INFORMATION: This process has been conducted pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and the regulations promulgated by the Council on Environmental Quality (40 CFR part 1502.9). The purpose and need for the Project is to alleviate flooding in the Vista Grande Drainage Basin and Canal and provide a sustainable source of water for management of Lake Merced water levels and quality, and to ensure that the portion of the Project within federally managed lands, if authorized, is constructed, operated, and maintained in a manner that is consistent with the protection and enhancement of resources, values, and uses of lands and waters under federal jurisdiction. This purpose and need is driven by the following factors:

(1) The Vista Grande storm drain system drains the northwestern portion of Daly City and an unincorporated portion of San Mateo County—areas originally within the watershed of Lake Merced. In the 1890s, the Vista Grande Canal and Tunnel were built to divert stormwater away from the lake to an outlet at the Pacific Ocean, below what is now Fort Funston. The existing Canal and Tunnel do not have adequate hydraulic capacity to convey storm flows, and this periodically causes backing up of Tunnel flows into the Canal, and flooding during peak storm events in adjacent low-lying residential areas and roads. Such flooding and Canal overtopping events cause property damage, bank erosion, traffic nuisances, public safety issues, and may have adverse impacts to Lake Merced water quality.

(2) Urban development has significantly reduced Lake Merced's original estimated watershed size. As urban development advanced in the area, surface runoff was diverted away from Lake Merced. Consequently, the southern portion of the original watershed (Daly City), including what is now the Vista Grande Drainage Basin, and the eastern portion of the original watershed (San Francisco) were diverted from flowing into the Lake. Operation of the Project would capture a portion of the existing Basin stormwater and authorized non-storm runoff that is currently conveyed to the Pacific Ocean and beneficially re-use over the long-term it to augment water levels in Lake Merced.

(3) The existing Daly City Ocean Outlet structure juts out from the cliff approximately 90 feet across the beach below Fort Funston, impeding recreational access, particularly during high tides. The Project presents an opportunity to improve public access across the beach.

(4) The width of the existing Tunnel easement is undetermined. Legal easement issues associated with a potential new tunnel alignment and with proposed improvements at the beach would be evaluated for consistency with the goals of protection and enhancement of resources, values, and uses of lands and waters under federal jurisdiction.

Accordingly, NPS's objectives for the Project include the following: (1) Avoid, minimize, or mitigate environmental impacts to Golden Gate National Recreation Area (GGNRA) natural and cultural resources; (2) during construction, ensure the health and safety of park visitors and staff, maintain access to and through Fort Funston, and minimize impacts to the visitor experience; (3) permanently improve public access along the beach; and (4) minimize impacts on park assets and sustain or restore all park assets (*e.g.,* facilities, features, grounds) to pre-construction or better conditions.

Range of Alternatives Considered: The DEIR/EIS documents several preliminary engineering and water supply options considered and dismissed from full analysis, and describes and analyzes the following four alternatives:

No Project/No Action Alternative: No physical component of the proposed Project would be constructed and none of the proposed operational changes to stormwater routing or Lake Merced water management would be made. The NPS would not grant the Special Use Permit or amend the existing easement, and no construction could occur within NPS-managed lands. Annual Canal sediment removal activities would continue, as well as as-needed maintenance activities. Because Canal and Tunnel capacity would not be improved, occasional flooding of the Canal and associated flooding of John Muir Drive into Lake Merced and in local neighborhoods would continue. This alternative serves as the environmental baseline from which potential effects of the "action" alternatives were compared.

Proposed Project: The Project as proposed by Daly City would consist of the following: (1) Improvements within the Vista Grande Basin storm drain system upstream of the Vista Grande Canal; (2) Partial replacement of the existing Vista Grande Canal to incorporate a gross solid screening device, an approximately 2.6-acre constructed treatment wetland, and diversion and discharge structures to route some stormwater (and authorized non-stormwater) flows from the Vista Grande Canal to Lake Merced and to allow lake water to be used for summer treatment wetland maintenance; (3) Modification of the existing effluent gravity pipeline so that it may be used year round to convey treated effluent from the nearby North San Mateo County Sanitation District Wastewater Treatment Plant to the existing outlet and diffuser by gravity, and abandoning the force main pipeline; (4) Modification of the existing lake overflow structure to include an adjustable weir and siphon that allows water from the lake to flow into the Canal and Tunnel; (5) Replacement of the existing Vista Grande Tunnel to expand its hydraulic capacity and extend its operating lifetime and replacement of the Lake Merced Portal to the Tunnel; and (6) Replacement of the existing Ocean Outlet structure and a portion of the existing 33-inch submarine outfall pipeline that crosses the beach at Fort Funston.

Tunnel Alignment Alternative: The Tunnel Alignment Alternative would include the construction of a replacement tunnel south of the existing Tunnel. The new tunnel would run from a new east portal at the Canal to a new or rehabilitated Ocean Outlet structure at Fort Funston. The Tunnel would run beneath the Olympic Club, Highway 35, and the GGNRA lands. This alternative could be paired with either the proposed Canal improvements or the Canal Configuration Alternative.

Canal Configuration Alternative: This alternative would not construct the box culvert replacing the first 1,500 feet of the Canal; rather, the diversion structure described for the proposed Project would be relocated to the southern (upstream) end of the Canal. The box culvert under John Muir Drive also would be relocated and would cross under John Muir Drive close to the southern end of Impound Lake. The design of the diversion structure, box culvert under John Muir Drive, and Lake Merced Outlet would be approximately the same as for the proposed Project, but located at the upstream (southern) end of the Canal. The diversion structure would replace the first approximately 350 feet of the Canal, and the rest of the Canal would be unchanged except as needed for temporary construction access to the Lake Merced Tunnel Portal. Under the Canal Configuration Alternative, only one wetland cell of approximately 1.7 acres would be constructed. This alternative could be paired with either the proposed Tunnel improvements or the Tunnel Alignment Alternative.

Public Involvement: The Notice of Intent (NOI) to prepare the DEIR/EIS was published in the **Federal Register** on May 8, 2013 (78 FR 26807). Daly City also issued a joint NOI/Notice of Preparation (NOP) to prepare the DEIR/EIS on February 28, 2013. On March 4, 2013, the NPS sent an electronic mail (email) message to 1,317 recipients, inviting them to an open house featuring the Vista Grande Drainage Basin Improvements and other projects within the GGNRA. The email message provided a link to Daly City's Vista Grande Project Web site, where interested parties could access the NOI/NOP. The NPS held an open house on March 19, 2013, at the General's Residence in Fort Mason. Several projects and topics were covered at the open house, including the Vista Grande Project. Daly City staff and consultants attended the open house and spoke with attendees about the Project. On March 28, 2013, Daly City held a public scoping meeting to educate members of the public about the Project and to solicit comments on the scope of the DEIR/EIS. The scoping comment period for the NOI published in the **Federal Register** ended on June 7, 2013. A scoping report summarizing the outcomes of the scoping process, including comments received, and which includes copies of all comment letters received during the scoping period, is included as Appendix B of the DEIR/EIS. Comments from these meetings and letters, as well from additional stakeholder and agency outreach meetings and subsequent internal planning workshops, were used to further refine the alternatives and identify the key topics to be addressed in the DEIR/EIS.

Copies of and/or internet links to the DEIR/EIS will be circulated to congressional delegations, state and local elected officials, federal and state agencies, tribes, organizations, local businesses, and public libraries. Printed copies (in limited quantity) and CDs will be supplied in response to email, phone, or mail requests. Printed copies will be available at public libraries in San Francisco and San Mateo County.

How to Comment: The public comment period begins upon the lead agencies' issuance of public notice of DEIR/EIS availability, including through the NPS publication of this Notice of Availability (NOA) for the DEIR/EIS in the **Federal Register**. The public comment period will end 60 days from the date of the EPA's publication in the **Federal Register** of the notice of filing and release of the DEIR/EIS; the NPS will notify all entities on the project mailing list, and public announcements about the DEIR/EIS review period will be posted on the project Web site (*http://parkplanning.nps.gov/Vista_Grande*) and distributed via local and regional press media. Written comments may be transmitted electronically through the project Web site (noted above). If preferred, comments may be mailed to the General Superintendent, GGNRA, Attn: Vista Grande Drainage Basin Improvement Project DEIR/EIS, Fort Mason, Building 201, San Francisco, CA 94123.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public comments received during the comment period will be recorded and categorized in order for the lead agencies to prepare responses, which then will be incorporated into the Final EIR/EIS. Where responses to comments require important changes to the EIR/EIS, the body of the text may be revised. Comments received on the cultural resources section of the EIR/EIS will also be considered during the separate, but coordinated process of compliance with § 106 of the National Historic Preservation Act.

Decision Process: All comments received on the DEIR/EIS will be duly considered in preparing the Final EIR/EIS, which is expected to be prepared in mid-2016 (availability will be announced in the **Federal Register**, as well as through regional and local press media and park Web site postings). A Record of Decision will be prepared not sooner than 30 days after release of the Final EIR/EIS. Because this is a delegated EIS, the NPS official responsible for approval of the project is the Regional Director, Pacific West Region. The official responsible for project implementation is the Superintendent, Golden Gate National Recreation Area.

Dated: February 16, 2016.

Martha J. Lee,

Acting Regional Director, Pacific West Region.

[FR Doc. 2016–10172 Filed 4–28–16; 8:45 am]

BILLING CODE 4312–FF–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–20880; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before April 9, 2016, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by May 16, 2016.

ADDRESSES: Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th Floor, Washington, DC 20005; or by fax, 202–371–6447.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before April 9, 2016. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

ARIZONA

Maricopa County

Falcon Field World War II Aviation Hangers, 4800 E. Falcon Dr., Mesa, 16000266

FLORIDA

Brevard County

Green Gables, 1501 South Harbor City, Melbourne, 16000269

Broward County

Davie Woman's Club, (Clubhouses of Florida's Woman's Clubs MPS) 6551 SW. 45th St., Davie, 16000267

Leon County

Gaither House, 212 Young St., Tallahassee, 16000268

Putnam County

Bethel African American Episcopal Church, 710 Reid St., Palatka, 16000270

St. Johns County

St. Augustine National Cemetery, 104 Marine St., St. Augustine, 16000271

HAWAII

Honolulu County

Dilks Property, 1302 Mokulua Dr., Kailua, 16000272
Ewa Plain Battlefield, Address Restricted, Kapolei, 16000273

Maui County

Kahului Railroad Administration Building, 101 E. Kaahumanu Ave., Kahului, 16000274

MARYLAND

Montgomery County

U.S. Atomic Energy Commission, 19901 Germantown Rd., Germantown, 16000275

MINNESOTA

Aitkin County

Pine—Hickory Lakes Roadside Parking Area, (Federal Relief Construction in Minnesota, 1933–1943) MN 169, .25 mi. N. of 249th Ln., Aitkin, 16000276

Hennepin County

McLeod and Smith Inc. Headquarters, 700–708 Central Ave. NE., Minneapolis, 16000277

Olmsted County

Maass and McAndrew Company Building, 12–14 4th St. SW., Rochester, 16000278

Renville County

Hotel Sacred Heart, 112 W. Maple St., Sacred Heart, 16000279

St. Louis County

Ely Community Center, (Federal Relief Construction in Minnesota, 1933–1943) 30 S. 1st Ave. East, Ely, 16000280

MISSISSIPPI

Claiborne County

Port Gibson High School (Old), (Port Gibson MRA) 161 Ramsey Dr., Port Gibson, 16000285

Harrison County

Southwest Gulfport Historic District, Bounded by Railroad, 15th, 11th, 9th & Central Sts., 32nd, 36th, 37th, 42nd, 43rd & 34th Aves., Gulfport, 16000281

Jefferson Davis County

Prentiss Normal and Industrial Institute Historic District, 292 J.E. Johnson Rd., Prentiss, 16000282

Kemper County

Perkins House, 2709 Townsend Rd., DeKalb, 16000283

Wilkinson County

Arbuthnot's Grocery and House, 8990 Pinckneyville Rd., Woodville, 16000284

MISSOURI

Perry County

Perry County Courthouse, 15 W. Sainte Marie St., Perryville, 16000286

NORTH CAROLINA

Cleveland County

Davidson Elementary School, 500 W. Piedmont Ave., Kings Mountain, 16000287

Hertford County

Pleasant Plains School, (Rosenwald School Building Program in North Carolina MPS) US 13 S. of Jct. with Pleasant Plains Rd., Pleasant Plains, 16000288

OHIO

Hamilton County

Old Town Hall, 10759 Oxford Rd., Harrison, 16000289

OREGON

Multnomah County

Fairview City Jail, 120 1st St., Fairview, 16000290
Leland, James W., House, 5303 SW. Westwood View, Portland, 16000291

SOUTH CAROLINA

Greenville County

Beth Israel Synagogue, 307 Townes St., Greenville, 16000292

WASHINGTON

Clark County

Luepke Florist, 1300 Washington St., Vancouver, 16000293

Grays Harbor County

Hotel Morck, 215 S. K St., Aberdeen, 16000294

A request for removal has been received for the following resources:

ARIZONA

Yavapai County

Strahan House, (Cottonwood MRA) 725 E. Main St., Cottonwood, 86002157
Thompson Ranch, (Cottonwood MRA) 2874 US Alt. 89, Cottonwood, 86002162

MINNESOTA

Isanti County

Farmers Cooperative Mercantile Company of West Stanford, (Isanti County MRA) Co. Hwy. 7, Isanti, 80002079

Ramsey County

Hall, S. Edward, House, 996 Iglehart Ave., St. Paul, 91000440

Authority: 60.13 of 36 CFR part 60.

Dated: April 14, 2016.

Roger Reed,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2016–10017 Filed 4–28–16; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–20785; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Peabody Museum of Archaeology and Ethnology, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meet the definition of a sacred object and an object of cultural patrimony. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Peabody Museum of Archaeology and Ethnology. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Peabody Museum of Archaeology and Ethnology at the address in this notice by May 31, 2016.

ADDRESSES: Patricia Capone, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meets the definition of a sacred object and an object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

A leather war cap was collected by Henry M. Wheelwright between 1901 and 1904 from an unknown location in the southwestern part of the United States. Initially, this object was part of a loan presented to the Peabody Museum by Ruth E. Wheelwright in 1939. The loan was subsequently converted to a gift in 1963. The cap is made of two leather pieces sewn together. It has a leather chin strap that is attached at two points on the bottom. A folded band of red fabric is applied along the bottom and is secured with a top layer of painted, serrated leather band sewn across the bottom. There are two cross symbols on the cap: A black one on one side and a red one on the opposite side. Underneath the red cross, the bottom edge of the cap has been cut in a serrated fashion. A cluster of 13 feathers are attached to the crown of the cap with leather thongs; the end of each feather is wrapped with sinew. The cap measures 13.5 x 47.5 x 41 cm ($5\frac{5}{16}$ x $18\frac{11}{16}$ x 16 $\frac{1}{8}$ in.)

In the initial loan documentation, the cap was described as "Apache Southwest." At a later time, "Navajo" was added to the culture field on the museum catalogue card. Consultations with the Navajo Nation in 2013 confirmed that the item is not Navajo but is Western Apache. Further consultation with the White Mountain Apache Tribe indicate that stylistic and symbolic characteristics of this item are consistent with traditional Western Apache forms.

Anthropological, historical, and oral historical evidence indicate that the item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. In addition, these lines of evidence also support that this item has ongoing, traditional and cultural importance central to the Western Apache tribes and could not have been alienated, appropriated or conveyed by any individual tribal member at the time it was separated from the group.

Determinations Made by the Peabody Museum of Archaeology and Ethnology

Officials of the Peabody Museum of Archaeology and Ethnology have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and object of cultural patrimony and the San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Patricia Capone, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, by May 31, 2016. After that date, if no additional claimants have come forward, transfer of control of the sacred object and object of cultural patrimony to the San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Reservation, Arizona may proceed.

The Peabody Museum of Archaeology and Ethnology is responsible for notifying the San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Reservation, Arizona.

Dated: April 4, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2016–10068 Filed 4–28–16; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–20709; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Kansas State Historical Society has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Kansas State Historical Society. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or

Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Kansas State Historical Society at the address in this notice by May 31, 2016.

ADDRESSES: Dr. Robert J. Hoard, Kansas State Historical Society, 6425 SW. 6th Avenue, Topeka, KS 66615–1099, telephone (785) 272–8681 extension 269, email *rhoard@kshs.org*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Kansas State Historical Society, Topeka, KS. The human remains and associated funerary objects were removed from Doniphan, Pottawatomie, and Shawnee Counties, KS.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Kansas State Historical Society professional staff in consultation with representatives of the Kaw Nation, Oklahoma.

History and Description of the Remains

On an unknown date, human remains representing, at minimum, one individual were removed from the Doniphan site, 14DP2, in Doniphan County, KS. The human remains were transferred in April 1990 to the Kansas State Historical Society by the Wallingford Historical Society of Wallingford, Connecticut. The Wallingford Historical Society acquired the human remains as a donation from Harold Stearns. Stearns had received the human remains around 1917 as a gift from George Remsburg, a well-known collector of Indian artifacts in the early 20th century. These human remains are identified by the designation UBS 1989–19B. No known individuals were identified. No associate funerary objects are present.

The human remains were packaged in a box with a paper museum label that indicated the human remains were from "the Doniphan town site." This is almost certainly the well documented historic Kaw burial site known as the Doniphan site, 14DP2. The human remains are therefore interpreted as being affiliated with the Kaw Nation.

In 1987, human remains representing, at minimum, five individuals were removed from the Doniphan site, 14DP2, in Doniphan County, KS, and designated UBS 1990–28. These human remains were exposed by erosion and excavated by Kansas State Historical staff, done with the agreement of Bill Mehojah, then Chairman of the Kaw Tribe of Oklahoma. No known individuals were identified. There are 132 associated funerary objects: 1 Ceramic vessel, 18 beads, 1 pipe, 1 tablet, 2 Catlinite pieces, 1 bone awl, 1 bivalve shell, 1 gunflint, 1 projectile point, 35 pottery sherds, 71 flakes, 1 peach seed, 1 vial of squash seeds, 9 black seeds, daub, 2 cinders, charcoal, 1 sack of fibers, 1 geode, 1 crockery sherd, 2 abraders, both broken; and 1 vial rodent bones.

In 1936, human remains representing, at minimum, two individuals were removed from the Doniphan site in Doniphan County, KS, by A.T. Hill and John Champe of the Nebraska State Historical Society. The human remains were transferred to the Kansas State Historical Society in 1987 and designated UBS 1991–100. The human remains were identified as one adult and one juvenile of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

In the 1960s, human remains representing, at minimum, one individual was removed from the Doniphan site in Doniphan County, KS. The human remains consist of an adult cranium. The human remains were first taken to Atchison County Historical Society, and then further transferred to Kansas State Historical Society and designated UBS 1991–104. The human remains were then sent to Kansas State University for analysis, and were returned to the Kansas State Historical Society in 1998. No known individuals were identified. No associated funerary objects are present.

In or around 1949, human remains representing, at minimum, two individuals were found on the Ford farm, presumably the Doniphan site, in Doniphan County, KS. A note with the human remains states that they were found exposed. The human remains were originally in the collections of Benedictine College in Atchison, KS. They were transferred to the Kansas State Historical Society in 1992, designated UBS 1992–24–6 (24A) and analyzed by physical anthropologist Dr. Michael Finnegan in 1997. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, two individuals were removed from the Blue Earth Village site, site 14PO24, in Pottawatomie County, KS. The human remains were donated to the Kansas State Historical Society in 1881 by private collector William J. Griffing and designated UBS 1991–66. No known individuals were identified. No associated funerary objects are present.

In 1937, human remains representing, at minimum, one individual were removed from a site presumed to be the Blue Earth Village site in Pottawatomie County, KS. The human remains were collected by A.T. Hill of the Nebraska State Historical Society. In 1991 the human remains were donated to the Kansas State Historical Society and designated UBS 1991–65. No known individuals were identified. The 9 associated funerary objects are 5 brass buttons, 1 lot of metal lace fragments, 1 lot of wood splinters, 1 piece red pigment, 1 lot of unidentifiable, decomposing material, possibly leather.

In 1986, human remains representing, at minimum, three individuals were removed from site 14SH339, Shawnee County, KS. The human remains were unearthed as a homeowner was building an addition to their house. The human remains were brought to the Kansas State Historical Society in 1987 and designated UBS 1989–5.

Osteological analysis was conducted by Dr. Eileen Burneau, chief pathologist, Kansas Bureau of Investigation; Dr. Kim Schneider, physical anthropologist, Wichita State University, and Dr. Michael Finnegan, physical anthropologist, Kansas State University. The associated funerary objects with the human remains date to the 1800s, and the site is on a high ridge overlooking the documented location of the American Chief Village, occupied by the Kaw during the period of A.D. 1832–1846. It is believed that these human remains and associated funerary objects are affiliated with the Kaw Nation of Oklahoma. No known individuals were identified. The 7 associated funerary objects are 1 bead, 1 railroad spike, 1 axe head, 1 piece of cloth with metal, 1 piece of wood, 1 sack of hair or fibers, and 1 sack of fabric.

Determinations Made by the Kansas State Historical Society

Officials of the Kansas State Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 17 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 148 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Kaw Nation, Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Robert J. Hoard, Kansas State Historical Society, 6425 SW. 6th Avenue, Topeka, KS 66615–1099, telephone (785) 272–8681 extension 269, email *rhoard@kshs.org,* by May 31, 2016. After that date, if no additional requestors have come forward, transfer of control of the human remains the Kaw Nation may proceed.

The Kansas State Historical Society is responsible for notifying the Kaw Nation, Oklahoma that this notice has been published.

Dated: March 24, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2016–10067 Filed 4–28–16; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–20769; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Robert S. Peabody Museum of Archaeology, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Robert S. Peabody Museum of Archaeology at Phillips Academy, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Robert S. Peabody Museum of Archaeology. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Robert S. Peabody Museum of Archaeology at the address in this notice by May 31, 2016.

ADDRESSES: Dr. Ryan J. Wheeler, Director, The Robert S. Peabody Museum of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, (978) 749–4490, email *rwheeler@andover.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Robert S. Peabody Museum of Archaeology, Andover, MA, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In August, 1909, one item of both cultural and spiritual significance was removed from the White Earth Reservation in Becker County, MN. Museum documentation indicates that Warren K. Moorehead, Curator of the Robert S. Peabody Museum of Archaeology, acquired a birch bark scroll of the Midewiwin, or Grand Medicine Society (accession number 90.225.1) of White Earth from "Bay-bah-dwub-gay-aush," whom Moorehead's records listed as a "Shaman of the White Earth Reservation," to be protected in the museum at Andover.

In 1908, President Theodore Roosevelt appointed Warren K. Moorehead to the Board of Indian Commissioners, the group charged with public oversight of the Bureau of Indian Affairs. After his appointment Moorehead learned from his colleagues at the Smithsonian Institution "of the dreadful situation on a dozen different reservations," including White Earth. He asked for permission and funds to investigate, which were granted by Commissioner of Indian Affairs Francis Leupp, who appointed Moorehead special agent.

Moorehead spent time at White Earth investigating various forms of land and other theft during a period of significant economic, cultural and religious oppression. It was in this environment that numerous objects of cultural and spiritual significance were removed from Anishinaabeg communities.

Consultations were held during a December 10–11, 2015, visit by officials from the White Earth Band of the Minnesota Chippewa Tribe who affirmed cultural affiliation to the birch bark scroll. In a letter dated January 15, 2016, the White Earth Band of the Minnesota Chippewa Tribe requested the return of the scroll due to its substantial cultural and religious significance and need for continued observance of traditional ceremonies that occur annually.

Determinations Made by the Robert S. Peabody Museum of Archaeology

Officials of the Robert S. Peabody Museum of Archaeology have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the White Earth Band of the Minnesota Chippewa Tribe.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Dr. Ryan J. Wheeler, Director, The Robert S. Peabody Museum of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, (978) 749–4490, email *rwheeler@andover.edu,* by May 31, 2016. After that date, if no additional claimants have come forward, transfer of control of the sacred object to the White Earth Band of the Minnesota Chippewa Tribe may proceed.

The Robert S. Peabody Museum of Archaeology is responsible for notifying the White Earth Band of the Minnesota Chippewa Tribe that this notice has been published.

Dated: March 31, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2016–10070 Filed 4–28–16; 8:45 am]

BILLING CODE 4312–50–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1314 (Preliminary)]

Phosphor Copper From Korea

Determination

On the basis of the record[1] developed in the subject investigation, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of phosphor copper from Korea, provided for in subheading 7405.00.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value ("LTFV").

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce ("Commerce") of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On March 9, 2016, Metallurgical Products Company, West Chester, PA filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of phosphor copper from Korea. Accordingly, effective March 9, 2016, the Commission, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), instituted antidumping duty investigation No. 731–TA–1314 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 15, 2016 (81 FR 13822). The conference was held in Washington, DC, on March 30, 2016, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)). It completed and filed its determination in this investigation on April 25, 2016. The views of the Commission are contained in USITC Publication 4608 (May 2016), entitled *Phosphor Copper from Korea: Investigation No. 731–TA–1314 (Preliminary).*

Issued: April 26, 2016.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–10055 Filed 4–28–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0091]

Agency Information Collection Activities; Proposed eCollection eComments Requested; National Response Team Customer Satisfaction Survey

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 28, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer George, Fire Investigations and Arson Enforcement Division, ATF NCETR, Corporal Road, Building 3750 Redstone Arsenal, Huntsville, Alabama 35898 at: *Jennifer.George@atf.gov*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection 1140–0091

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* National Response Team Customer Satisfaction Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* *Form number:* None.

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[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: None.

Abstract: The National Response Team (NRT) survey is used to support a Bureau performance measure and to assess strengths and weaknesses of a major program of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 20 respondents will take 10 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 5 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: April 26, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–10057 Filed 4–28–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Revised Notice of Lodging of Proposed Consent Decree Second Modification Under the Clean Water Act

On April 1, 2016, the Department of Justice lodged a proposed Consent Decree Second Modification with the United States District Court for the District of New Hampshire in the lawsuit entitled *United States, State of New Hampshire, and Conservation Law Foundation* v. *City of Portsmouth, NH,* Civil Action No. 09–cv–283–PB.

The Consent Decree Second Modification is a modification to the 2009 Clean Water Act Consent Decree that was entered into by the United States, State of New Hampshire, and the City. This Consent Decree Second Modification, signed by the original parties and intervenor-plaintiff Conservation Law Foundation, revises Portsmouth's schedule for constructing secondary wastewater treatment facilities that had been set forth in a 2013 Consent Decree Modification. The Consent Decree Second Modification also establishes enhanced reporting obligations and mitigation requirements designed to counter the harm to the Piscataqua River and Great Bay estuary caused by delayed implementation of secondary treatment.

The publication of this revised notice extends the period for public comment on the Consent Decree Second Modification. All comments must be submitted no later than thirty (30) days after the publication date of this revised notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, State of New Hampshire, and Conservation Law Foundation* v. *City of Portsmouth, NH,* D.J. Ref. No. 90–5–1–1–09308. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree Second Modification may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree Second Modification upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $4.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Jeffrey K. Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2016–10104 Filed 4–28–16; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0070]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Explosives License or Permit (ATF F 5400.13/5400.16)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 28, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Shawn Stevens, ATF Industry Liaison, Chief, Federal Explosives Licensing Center, 244 Needy Road, Martinsburg, WV 25405, at telephone: 877–283–3352.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83–I):* Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Application for Explosives License or Permit.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): (ATF F 5400.13/5400.16).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for profit.

Other (if applicable): Individuals or households.

Abstract: Chapter 40, Title 18, U.S.C., provides that any person engaged in the business of explosive materials as a dealer, manufacturer, or importer shall be licensed (18 U.S.C. 842(a)(1)).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10,200 respondents will take 1.5 hours to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 15,300 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: April 26, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–10101 Filed 4–28–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0006]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Controlled Substances Import/Export Declaration

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division (CJIS) will be submitting the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with the established review procedures of the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at 81 FR 9505, on February 25, 2016, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 31, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mr. Samuel Berhanu, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Law Enforcement Officers Killed and Assaulted.

3. *The agency form number:* 1–705.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: City, country, state, federal and tribal law enforcement agencies.

Other: Federal, State, local or tribal government.

Abstract: Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, 1930, this collection requests Law Enforcement Officers Killed or Assaulted data from city, county, state, federal, and tribal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of crime data to publish these statistics in the Law Enforcement officers Killed and Assaulted publication.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 18,498 law enforcement agency respondents; calculated estimates indicate 7 per report.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 162,235 hours, annual burden, associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: April 26, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–10058 Filed 4–28–16; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On April 22, 2016, the Department of Justice lodged a proposed Consent Decree in the United States District

Court for the Middle District of Louisiana in the lawsuit titled *United States and Louisiana Department of Environmental Quality* v. *ORB Exploration, LLC,* Civil Action No. 16–260–JJB–RLB.

This case concerns three oil spills, one in 2013 and two in 2015, at locations in the Atchafalaya River Basin, from oil production facilities owned and operated by ORB Exploration, LLC (ORB), as well as ORB's failure to comply with a Coast Guard order issued during the cleanup of one of the spills or with certain Spill Prevention, Control, and Countermeasure (SPCC) regulations promulgated by the Environmental Protection Agency under the CWA. The largest spill occurred in 2013 at ORB's facilities located at Frog Lake in Iberville Parish, near Baton Rouge, Louisiana, when a corroded transfer pipeline ruptured and spilled a large amount of crude oil, estimated at more than 1,000 barrels, into a flooded wetland area. The second spill occurred in September of 2015, also at ORB's Frog Lake facilities. The third spill occurred in October of 2015 at an ORB facility at Crocodile Bayou in St. Martin Parish, Louisiana. The SPCC violations were discovered during a May 2015 inspection of ORB's oil storage barge at Frog Lake.

In the Complaint, the United States alleges violations of Sections 301(a), 311(b)(7)(A) or (D), 311(b)(7)(B)(ii) and 311(b)(7)(C) of the CWA, 33 U.S.C. 1311(a), 1321(b)(7)(A) or (D), 1321(b)(7)(B)(ii), and 1321(b)(7)(C). In addition, the Louisiana Department of Environmental Quality (LDEQ) alleges violations of La. R. S. 30:2076(A)(1) and (3), and Louisiana Administrative Code sections 33:IX.501.A, 33:IX.1701.B, 33:I.3915.A.3, and 33:I.3925.A, for the discharges of oil and ORB's failures to file a timely report or provide updated notice to the state hotline for reporting spills. The Complaint seeks the assessment of civil penalties, State response costs, and injunctive relief for the alleged violations. The proposed Consent Decree resolves the civil penalty, State response cost, and injunctive relief claims of the United States and LDEQ for the causes of action alleged in the Complaint by requiring ORB to perform corrective measures focused on spill detection and prevention and pay federal civil penalties of $615,000 and State civil penalties and response costs of $100,000.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and Louisiana Department of Environmental Quality* v. *ORB Exploration, LLC,* D.J. Ref. No. 90–5–1–1–11281. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $7.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Jeffrey K. Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2016–10105 Filed 4–28–16; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0219]

Agency Information Collection Activities: Proposed eCollection; eComments Requested Extension, Without Change, of a Currently Approved Collection Juvenile Residential Facility Census (JRFC)

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 31, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Brecht Donoghue, (202) 305–1270, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street NW., Washington, DC 20531. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Extension, without change, of a currently approved collection.

(2) *The title of the form/collection:* Juvenile Residential Facility Census.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is CJ–15, Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal Government, State, Local or Tribal. Other: Not-for-profit institutions; Business or other for-profit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 2,429 respondents will complete a 2-hour questionnaire.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Approximately 4,858 hours.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: April 26, 2016.

Jerri Murray,

Department Clearance Officer, U.S. Department of Justice.

[FR Doc. 2016–10059 Filed 4–28–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

National Institute of Justice

[OJP (NIJ) Docket No. 1709]

Draft Test Procedures for the Gun Safety Technology Challenge

AGENCY: National Institute of Justice, Office of Justice, Programs, Department of Justice.

ACTION: Notice and request for comments.

SUMMARY: The National Institute of Justice (NIJ) seeks feedback from the public on the draft test procedures developed for the Gun Safety Technology Challenge, published here: *http://www.nij.gov/funding/pages/fy16-gun-safety-challenge.aspx.* The document describes test methods to provide a basis to determine whether the addition of a smart gun technology does or does not significantly reduce the reliability of the firearm system compared to existing firearms.

DATES: Comments must be received by 5 p.m. Eastern Time on June 13, 2016.

How to Respond and What to Include: The draft test procedures document in both Word and pdf formats can be found here: *http://www.nij.gov/funding/pages/fy16-gun-safety-challenge.aspx.* To submit comments, please send an email to *gunsafetytechnology@usdoj.gov.* Please indicate the page number, section number, and the line number associated with each comment. Comments may also be provided as a markup of the Word document. Please provide contact information with the submission of comments.

SUPPLEMENTARY INFORMATION: NIJ was tasked with supporting the President's Plan to Reduce Gun Violence, specifically:

"The President is directing the Attorney General to work with technology experts to review existing and emerging gun safety technologies, and to issue a report on the availability and use of those technologies. In addition, the Administration will issue a challenge to the private sector to develop innovative and cost-effective gun safety technology and provide prizes for those technologies that are proven to be reliable and effective."

In support of this Executive action, NIJ has conducted a technology assessment and market survey of existing and emerging gun safety technologies that would be of interest to the law enforcement and criminal justice communities and others with an interest in gun safety and advanced firearm technology. These firearms or firearms accessories can be understood to use integrated components that exclusively permit an authorized user or set of users to operate or fire the gun and automatically deactivate it under a set of specific circumstances, reducing the chances of accidental or purposeful use by an unauthorized user. The integrated gun safety technology may include different authentication technologies, such as radio frequency identification and fingerprint sensors.

A report published in June 2013 by NIJ entitled *A Review of Gun Safety Technologies* (*https://www.ncjrs.gov/pdffiles1/nij/242500.pdf*) examined existing and emerging gun safety technologies, and their availability and use, to provide a comprehensive perspective on firearms with integrated advanced safety technologies. Following the report, NIJ published a **Federal Register** Notice (*https://federalregister.gov/a/2014-27368*) to receive information regarding which firearms and firearms accessories, that incorporate advanced safety technologies, could be made available by industry for testing and evaluation in the Challenge.

NIJ now seeks an objective demonstration of the reliability of firearms available today with advanced gun safety technology integrated into the firearm. The reliability of firearms with integrated advanced safety technologies has been cited as a concern regarding the potential performance and user acceptance of products that may incorporate such technologies, as discussed in the 2013 NIJ report. It is anticipated that the results of the Challenge will provide a basis to improve the general understanding of whether the addition of a smart gun technology does or does not significantly reduce the reliability of the firearm system compared to existing firearms. It is believed that this is the first effort to apply a methodology to provide a rigorous and scientific assessment of the technical performance characteristics of these types of firearms.

With this Challenge, manufacturers and developers of (1) firearms that incorporate advanced safety technologies or (2) firearms accessories utilizing advanced safety technologies that are intended to modify firearms were able to submit their products for testing and evaluation. The Challenge is designed to proceed in an escalated manner in three stages, including an informational and safety review, light duty single product testing, and more heavy duty expanded product testing. To assess the reliability of smart gun technology, the U.S. Army Aberdeen Test Center (ATC) plans to perform firearm testing and evaluation. The Challenge was published on October 7, 2015, and closed to submissions on January 5, 2016.

NIJ hopes to better understand the effect of smart gun technology on the reliability of the firearm versus the same or similar firearms without the added safety technology. This Challenge seeks "apples to apples" comparisons to the greatest extent possible. Testing and evaluation is designed to prioritize the collection and use of data that can substantiate conclusions about the relative performance of firearms, so that firearms with and without advanced gun safety technology that are similar with respect to type, form factor, caliber, and other physical characteristics are tested and evaluated using a common methodology and equivalent ammunition. Testing and evaluation is not designed to provide comparison of test results against absolute performance requirements or safety criteria, but rather to provide a meaningful comparison of test results of one firearm against another similar firearm, or a firearm with and without a relevant safety accessory.

Nancy Rodriguez,

Director, National Institute of Justice.

[FR Doc. 2016–10121 Filed 4–28–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0140]

Proposed Extension of Information Collection; High-Voltage Continuous Mining Machines Standards for Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for High-Voltage Continuous Mining Machines Standards for Underground Coal Mines.

DATES: All comments must be received on or before June 28, 2016.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2016–0010.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

This information collection maintains the safe use of high-voltage continuous mining machines in underground coal mines by requiring records of testing, examination and maintenance on machines to reduce fire, electrical shock, ignition and operation hazards.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to High-Voltage Continuous Mining Machines Standards for Underground Coal Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for High-Voltage Continuous Mining Machines Standards for Underground Coal Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0140.

Affected Public: Business or other for-profit.

Number of Respondents: 2.

Frequency: On occasion.

Number of Responses: 4,810.

Annual Burden Hours: 148 hours.

Annual Respondent or Recordkeeper Cost: $0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,
Certifying Officer.

[FR Doc. 2016–10169 Filed 4–28–16; 8:45 am]

BILLING CODE 4510–43–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 16–CRB–0010–SD (2014)]

Distribution of 2014 Satellite Royalty Funds

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice requesting comments.

SUMMARY: The Copyright Royalty Judges solicit comments on a motion of Phase I claimants for partial distribution of 2014 satellite royalty funds.

DATES: Comments are due on or before May 31, 2016.

ADDRESSES: Interested claimants must submit comments to only one of the following addresses. Unless responding by email or online, claimants must submit an original, five paper copies, and an electronic version on a CD.

Email: crb@loc.gov; or

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE. and D Street NE., Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: Kim Whittle, Attorney Advisor, by telephone at (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: Each year satellite systems must submit royalty payments to the Register of Copyrights as required by the statutory license set forth in section 119 of the Copyright Act for the retransmission to satellite subscribers of over-the-air television broadcast signals. *See* 17 U.S.C. 119(b). The Copyright Royalty Judges (Judges) oversee distribution of royalties to copyright owners whose works were included in a qualifying transmission and who timely filed a claim for royalties.

Allocation of the royalties collected occurs in one of two ways. In the first instance, the Judges may authorize distribution in accordance with a negotiated settlement among all claiming parties. 17 U.S.C. 119(b)(5)(A), 801(b)(3)(A). If all claimants do not reach an agreement with respect to the royalties, the Judges must conduct a proceeding to determine the distribution of any royalties that remain in controversy. 17 U.S.C. 119(b)(5)(B), 801(b)(3)(B). Alternatively, the Judges may, on motion of claimants and on notice to all interested parties, authorize a partial distribution of royalties, reserving on deposit sufficient funds to resolve identified disputes. 17 U.S.C. 119(b)(5)(C), 801(b)(3)(C).

On March 11, 2016, representatives of the Phase I claimant categories (the "Phase I Claimants")[1] filed with the Judges a motion requesting a partial distribution amounting to 60% of the 2014 satellite royalty funds pursuant to section 801(b)(3)(C) of the Copyright Act. 17 U.S.C. 801(b)(3)(C). That section requires that, before ruling on the motion, the Judges publish a notice in the **Federal Register** seeking responses to the motion for partial distribution to ascertain whether any claimant entitled to receive the subject royalties has a reasonable objection to the requested distribution. Accordingly, this Notice seeks comments from interested claimants on whether any reasonable objection exists that would preclude the distribution of 60% of the 2014 satellite royalty funds to the Phase I Claimants.

Parties objecting to the proposed partial distribution must advise the Judges of the existence and extent of all their objections by the end of the comment period. The Judges will not consider any objections with respect to the partial distribution motion that come to their attention after the close of the comment period.

The Motion of the Phase I Claimants for Partial Distribution is posted on the Copyright Royalty Board Web site at *http://www.loc.gov/crb.*

Dated: April 26, 2016.

Suzanne M. Barnett,

Chief U.S. Copyright Royalty Judge.

[FR Doc. 2016–10094 Filed 4–28–16; 8:45 am]

BILLING CODE 1410–72–P

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[1] The "Phase I Claimants" are Program Suppliers, Joint Sports Claimants, Broadcaster Claimants Group, Music Claimants (represented by American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC, Inc.), and Devotional Claimants.

NATIONAL SCIENCE FOUNDATION

Public Availability of the National Science Foundation FY 2015 Service Contract Inventory and Associated Documents

AGENCY: National Science Foundation.

ACTION: Notice of public availability of FY 2015 service contract inventories and associated documents.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the National Science Foundation is publishing this notice to advise the public of the availability of (1) the FY 2015 Service Contract Inventory Detail, (2) the FY 2015 Service Contract Inventory Summary, (3) the FY 2014 Service Contract Inventory Analysis Report, (4) the FY 2015 Service Contract Inventory Supplement Report and, (5) the FY 2015 Plan for Analyzing the Service Contract Inventory. This inventory provides information on service contract actions over $25,000 that were made in FY 2015. The information is organized by function to show how contracted resources are distributed throughout the agency. The inventory has been developed in accordance with guidance issued on November 5, 2010, and December 19, 2011, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf* and *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventory-guidance.pdf.* The National Science Foundation has posted its (1) FY 2015 Service Contract Inventory Detail, (2) FY 2015 Service Contract Inventory Summary, (3) FY 2014 Service Contract Inventory Analysis Report, (4) FY 2015 Service Contract Inventory Supplement Report and (5) FY 2015 Plan for Analyzing the Service Contract Inventory on the National Science Foundation homepage at the following links:

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf16069 (Service Contract Inventory Detail for FY 2015)

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf16078 (Service Contract Inventory Summary for FY 2015)

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf16073 (Service Contract Inventory Analysis Report for FY 2014)

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf16075 (Service Contract Inventory Supplement Report for FY2015)

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf16079 (Plan for Analyzing the Service Contract Inventory for FY 2015)

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Richard Pihl in the BFA/DACS at 703–292–7395 or *rpihl@nsf.gov.*

Dated: April 26, 2016.

Suzanne Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2016–10052 Filed 4–28–16; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by May 31, 2016. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. Applicant

Permit Application: 2017–002. Deneb Karentz, Department of Biology, University of San Francisco, San Francisco, CA 94117.

Activity for Which Permit Is Requested

Introduce non-indigenous species into Antarctica. Gene cloning kits that contain the bacterium *Escherichia coli* will be used in the Palmer Station laboratory for genomic research, specifically to investigate genetic characteristics of bacteria and protists from seawater samples. The *E. coli* will be handled with standard laboratory safety protocols, they will not be released into the environment, and they will be killed by autoclaving per routine procedures. This permit is being requested for research activities under the NSF-funded grant entitled "Collaborative research: Biological adaptations to environmental change in Antarctica—An advanced training program for early-career scientists."

Location

Palmer Station, Anvers Island and McMurdo Station, Ross Island, Antarctica.

Dates

June 24, 2016–March 1, 2018.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2016–10054 Filed 4–28–16; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended, (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of meetings for the transaction of National Science Board business as follows:

DATE AND TIME: May 5, 2016 from 8:00 a.m. to 4:30 p.m., and May 6, 2016 from 8:00 a.m. to 2:30 p.m. EDT.

PLACE: These meetings will be held at the National Science Foundation, 4201 Wilson Blvd., Room 1235, Arlington, VA 22230. All visitors must contact the Board Office (call 703–292–7000 or send an email to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the meeting and provide your name and organizational affiliation. Visitors must report to the NSF visitor's desk in the lobby of the 9th and N. Stuart Street entrance to receive a visitor's badge.

WEBCAST INFORMATION: Public meetings and public portions of meetings will be webcast. To view the meetings, go to *http://www.tvworldwide.com/events/nsf/160505/* and follow the instructions.

UPDATES: Please refer to the National Science Board Web site for additional information. Meeting information and schedule updates (time, place, subject matter, and status of meeting) may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp.*

AGENCY CONTACT: Ron Campbell, *jrcampbe@nsf.gov,* 703–292–7000.

PUBLIC AFFAIRS CONTACT: Nadine Lymn, *nlymn@nsf.gov,* 703–292–2490.

STATUS: Portions open; portions closed.

OPEN SESSIONS:

May 5, 2016

8:00–8:30 a.m.—Plenary introduction, NSB Chair and NSF Director Reports
8:30–9:30 a.m.—Committee on Programs and Plans (CPP)
9:30–9:45 a.m.—Subcommittee on Facilities (SCF)
9:45–10:25 a.m.—Task Force on NEON Performance and Plans (NPP)
10:55–11:15 a.m.—Plenary speaker, NSB Public Service awardee
11:15–11:35 a.m.—Plenary speaker, Vannevar Bush awardee
11:35–11:55 a.m.—Plenary speaker, Alan T. Waterman awardee
3:05–4:30 p.m.—Committee on Audit and Oversight (A&O)

May 6, 2016

8:00–9:00 a.m.—Committee on Science and Engineering Indicators (SEI)
9:00–9:45 a.m.—Committee on Strategy and Budget (CSB)
1:00–2:30 p.m.—(Plenary)

CLOSED SESSIONS:

May 5, 2016

10:25–10:40 a.m. (NPP)
1:00–2:55 p.m. (CPP)

May 6, 2016

9:45–10:15 a.m. (CSB)
10:15–11:30 a.m. (Plenary)
11:30 a.m.–12:00 p.m. (Plenary executive)

MATTERS TO BE DISCUSSED:

Thursday, May 5, 2016

Plenary Board Meeting

Open Session: 8:00–8:30 a.m.

- Introduction and NSB Chair's report
- NSF Director's report

Committee on Programs and Plans (CPP)

Open Session: 8:30–9:30 a.m.

- CPP Chair's opening remarks
- Approval of open CPP minutes for February 2016, and joint open CPP, CSB, and SCF minutes for February 2016
- Calendar year 2016 schedule of planned action and information items for NSB review: Update for the May 2016 meeting
- An overview of Computer and Information Science and Engineering (CISE) infrastructure investments and directorate programs
- CPP Chair's closing remarks

Subcommittee on Facilities (SCF)

Open Session: 9:30–9:45 a.m.

- SCF Chair's opening remarks
- Approval of open SCF minutes from February 2016, and March 2016, and for closed SCF minutes from March 2016
- Discussion of past, present and planned SCF activities, including the Facilities Portal
- SCF Chair's closing remarks

Task Force on NEON Performance and Plans (NPP)

Open Session: 9:45–10:25 a.m.

- NPP Chair's opening remarks
- Approval of open NPP minutes from November 2015 meeting
- NSF Director's update, including root causes
- NPP final report
- NPP Chair's closing remarks

Task Force on NEON Performance and Plans (NPP)

Closed Session: 10:25–10:40 a.m.

- NPP Chair's opening remarks

- Approval of closed teleconference minutes from February 2016
- NSF Director's update
- NPP Chair's closing remarks

Plenary Board Meeting

Open Session: 10:55–11:15 a.m.

- NSB Chair's opening remarks
- Guest speaker—Ms. Margaret Brandon, President, Sea Education Association, recipient of the NSB Public Service Award
- NSB Chair's closing remarks

Plenary Board Meeting

Open Session: 11:15–11:35 a.m.

- NSB Chair's opening remarks
- Guest speaker—Dr. Robert Birgeneau, Recipient of the NSB Vannevar Bush Award
- NSB Chair's closing remarks

Plenary Board Meeting

Open Session: 11:35–11:55 a.m.

- NSB Chair's opening remarks
- NSF Director introduces the Alan T. Waterman Awardee
- Guest speaker—Dr. Mircea Dincă, Recipient of the Alan T. Waterman Award
- NSB Chair's closing remarks

Committee on Programs and Plans

Closed Session: 1:00–2:55 p.m.

- CPP Chair's opening remarks
- Approval of closed CPP minutes for February 2016 and the joint closed CPP, CSB, and SCF minutes for February 2016
- Information item—Green Bank Observatory (GBO) and the Very Long Baseline Array (VLBA)
- Information item—Laser Interferometer Gravity Wave Observatory (LIGO)
- Cornell High Energy Synchrotron Source (CHESS)
- NSB action item—National Superconducting Cyclotron Laboratory (NSCL)
- NSB action item—XSEDE 2
- CPP Chair's closing remarks

Committee on Audit and Oversight (A&O)

Open Session: 3:05–4:30 p.m.

- A&O Chair's opening remarks
- Approval of open A&O minutes from February 2016
- Management Fees and Discussion
- Approval of OIG Semiannual Report materials and discussion of a Management Response
- Presentation on OIG audit of Sunshine Act compliance
- Inspector General's update
- Chief Financial Officer's update
- Presentation on Transparency and Accountability
- A&O Chair's closing remarks

MATTERS TO BE DISCUSSED:

Friday, May 6, 2016

Committee on Science and Engineering Indicators (SEI)

Open Session: 8:00–9:00 a.m.

- SEI Chair's opening remarks
- Approval of open SEI minutes for February 2016
- Briefing on the outcome of the April 27–28 *Indicators* stakeholder workshop
- Update on *Science and Engineering Indicators* outreach
- Update on the next Companion Briefs: (1) Career destinations for STEM Ph.D.s, and (2) STEM diversity
- Discussion on developing better indicators on K–12 STEM education
- *Indicators 2018* schedule
- SEI Chair's closing remarks

Committee on Strategy and Budget (CSB)

Open Session: 9:00–9:45 a.m.

- CSB Chair's opening remarks
- Approval of open CSB minutes for February 2016
- Update on FY 2017 budget
- Discussion—Beyond the presidential transition: NSF's ideas for future investment
- CSB Chair's closing remarks

Committee on Strategy and Budget

Closed Session: 9:45–10:15 a.m.

- CSB Chair's opening remarks
- Approval of closed CSB minutes for February, 2016
- Update on FY 2016 pre-decisional budget items under renegotiation
- NSF FY 2018 budget development
- CSB Chair's closing remarks

Plenary Board

Closed Session: 10:15–11:30 a.m.

- NSB Chair's opening remarks
- NSF Director's Remarks
- Approval of closed plenary minutes for February, 2016
- Consideration and approval of NSB resolution for an award to XSEDE 2
- Consideration and approval of NSB resolution for an award to NSCL
- Discussion of contract for financial statement audit
- Discussion of pending MREFC legislation
- Closed committee reports
- NSB Chair's closing remarks

Plenary Board (Executive)

Closed Session: 11:30 a.m.–12:00 p.m.

- NSB Chair's opening remarks
- Approval of closed executive minutes for February, 2016
- Elections Committee report
- Elections for NSB Chair, Vice Chair, and two members of Executive Committee
- NSB Chair's closing remarks

Plenary Board

Open Session: 1:00–2:30 p.m.

- Approval of open plenary minutes for February, 2016
- NSB Chair's opening remarks
- Introduction of the NSF "LIGO Team"
- NSF Director's remarks
- Review and approval of annual Executive Committee report
- Open committee reports
- Discharge NPP
- Presentations to outgoing Board members
- NSB Chair's closing remarks

MEETING ADJOURNS: 2:30 p.m.

Ann Bushmiller,

Senior Legal Counsel, National Science Board.

[FR Doc. 2016–10254 Filed 4–27–16; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–039; NRC–2008–0603]

Combined License Application for Bell Bend Nuclear Power Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Final environmental impact statement; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) and the U.S. Army Corps of Engineers (USACE), Baltimore District, have completed the final environmental impact statement (EIS), NUREG–2179, "Environmental Impact Statement for the Combined License (COL) for the Bell Bend Nuclear Power Plant." The USACE and the NRC are cooperating agencies that jointly participated in the preparation the final EIS for use in both agencies' decision-making processes. The site is located in Luzerne County, Pennsylvania.

DATES: The final EIS is available April 21, 2016.

ADDRESSES: Please refer to Docket ID NRC–2008–0603, when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search

Docket ID NRC–2008–0603. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC'S Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov* .The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The final EIS is available in ADAMS under Accession Nos. ML16111B169 and ML16111B193, respectively.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Tomeka Terry, telephone: 301–415–1488, email: *Tomeka.Terry@nrc.gov* or Patricia Vokoun, telephone: 301–415–3470, email: *Patricia.Vokoun@nrc.gov*. Both are staff members of the Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with Section 51.118 of title 10 of the *Code of Federal Regulations*, the NRC is issuing NUREG–2179. A notice of availability of the draft EIS was published by the NRC in the **Federal Register** on April 21, 2015 (80 FR 22231), and the U.S. Environmental Protection Agency on April 24, 2015 (80 FR 22992). The public comment period on the draft EIS ended July 7, 2015; public comments are addressed in Appendix E in the final EIS. The final EIS is available for public inspection as indicated in the **ADDRESSES** section of this document. It is also available at the McBride Memorial Library, 500 North Market Street, Berwick, Pennsylvania, 18603 and the Mill Memorial Public Library, 495 East Main Street, Nanticoke, Pennsylvania, 17101. The final EIS also can be accessed online at the NRC's Bell Bend Nuclear Power Plant COL specific Web page at *http://www.nrc.gov/reactors/new-reactors/col/bell-bend.html*. The final EIS also supports the USACE's review of the Department of the Army permit application for certain construction activities at the Bell Bend Nuclear Power Plant. The USACE's Department of the Army permit application number for the Bell Bend Nuclear Power Plant project is CENAB–OP–RPA–2008–01401. The USACE's Public Interest Review will be part of its Record of Decision and is not addressed in the final EIS.

II. Discussion

As discussed in the final EIS, the NRC staff's recommendation related to the environmental aspects of the proposed action is that the COL should be issued. This recommendation is based on: (1) The environmental report (ER) submitted by Talen Energy; (2) consultation with Federal, State, Tribal, and local agencies; (3) the NRC staff's independent review; (4) the NRC staff's consideration of comments received during the environmental review; and (5) the assessments summarized in the final EIS, including the potential mitigation measures identified in the ER and in the final EIS. In addition, in making its preliminary recommendation, the NRC staff has concluded that there are no environmentally preferable or obviously superior sites in the region of interest.

Dated at Rockville, Maryland, this 21 day of April 2016.

For the Nuclear Regulatory Commission.

Mark Delligatti,

Deputy Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2016–09986 Filed 4–28–16; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Notice of Submission for Approval: Information Collection 3206–0266; Privacy Act Request for Completed Standard Form SF85/SF85P/SF86, INV 100A

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Federal Investigative Services (FIS), U.S. Office of Personnel Management (OPM) is notifying the general public and other Federal agencies that OPM is seeking Office of Management and Budget (OMB) approval of a revised information collection, control number 3206–0266, Privacy Act Request for Completed Standard Form SF85/SF85P/SF86, INV 100A. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35), as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is providing an additional 30 days for public comments. OPM previously solicited comments for this collection, with a 60-day public comment period, at 81 FR 7847 (February 16, 2016).

DATES: Comments are encouraged and will be accepted until May 31, 2016. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting Federal Investigative Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or by electronic mail at *FISFormsComments@opm.gov*.

SUPPLEMENTARY INFORMATION: This notice announces that OPM has submitted to OMB a request for review and clearance of a revised information collection, control number 3206–0266, Privacy Act Request for Completed Standard Form SF85/SF85P/SF86, INV 100A. The public has an additional 30-day opportunity to comment.

The Privacy Act Request for Completed Standard Form SF 85/SF 85P/SF86, INV 100A, is an information collection completed by individuals seeking access to their most recently completed SF85, SF 85P, or SF 86 that was used to initiate a background investigation performed by the Office of Personnel Management (OPM), Federal Investigative Services (FIS). OPM FIS's Freedom of Information and Privacy Act (FOI/PA) office utilizes the optional form INV 100A to standardize the collection of data elements specific to Privacy Act record requests for previously completed standard forms only. Current Privacy Act record requests are submitted to FIS–FOI/PA in a format chosen by the requester. Often the requests are missing data elements which require contact with the requester, thereby adding processing time. Standardization of the data elements collected can assist with providing timely responses and FIS–FOI/PA being able to verify the identity of the requester thereby ensuring Privacy Act Protected records are not inappropriately released to third parties.

OPM proposes no changes to the form. No comments were received.

Analysis

Agency: Federal Investigative Services, U.S. Office of Personnel Management.

Title: Privacy Act Request for Completed Standard Form SF85/SF85P/SF86, INV 100A.

OMB Number: 3206–0266.

Affected Public: Individuals submitting privacy Act record requests for completed Standard Form SF85/SF85P/SF86 to FIS–FOI/PA.

Number of Respondents: 15,682.

Estimated Time per Respondent: 5 minutes.

Total Burden Hours: 1,307.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–10061 Filed 4–28–16; 8:45 am]

BILLING CODE 6325–53–P

OFFICE OF PERSONNEL MANAGEMENT

Notice of Submission for Approval: Information Collection 3206–0259; Freedom of Information/Privacy Act Record Request Form, INV 100

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Federal Investigative Services (FIS), U.S. Office of Personnel Management (OPM) is notifying the general public and other Federal agencies that OPM is seeking Office of Management and Budget (OMB) approval of a renewal information collection, control number 3206–0259, Freedom of Information/Privacy Act Record Request Form, INV 100. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35), as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is providing an additional 30 days for public comments. OPM previously solicited comments for this collection, with a 60-day public comment period, at 81 FR 2923 (January 19, 2016).

DATES: Comments are encouraged and will be accepted until May 31, 2016. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting Federal Investigative Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or by electronic mail at *FISFormsComments@opm.gov.*

SUPPLEMENTARY INFORMATION: This notice announces that OPM has submitted to OMB a request for review and clearance of a revised information collection, control number 3206–0259, Freedom of Information/Privacy Act Record Request Form, INV 100. The public has an additional 30-day opportunity to comment.

The Freedom of Information/Privacy Act Record Request Form, INV 100, is an information collection completed by individuals submitting Freedom of Information (FOIA), Privacy Act, and Amendment record requests to OPM's Federal Investigative Services (FIS), Freedom of Information and Privacy Act (FOI/PA) office. OPM's FIS–FOI/PA office utilizes the optional form INV 100 to standardize collection of data elements specific to the types of record requests. Current record requests can be submitted to FIS–FOI/PA in a format chosen by the requester. Often, requests are missing data elements which require contact with the requester, thereby adding time to the process. Standardization of the process will increase the volume of perfected requests received and strike an appropriate balance between the burden to the public in submitting a request and FIS–FOI/PA being able to fulfill FOIA, Privacy Act, and Amendment requests in an efficient manner.

The 60-day **Federal Register** Notice was published on January 12, 2016 (81 FR 2923). One comment was received from an individual from the Department of Defense Education Activity (DoDEA). DoDEA commented that all individuals and organizations should have a clear, simple process in place that allows them to request and obtain, or amend information when required. OPM already offers clear guidance in this matter on the INV 100. OPM considers this comment to be outside the scope of this collection.

Analysis

Agency: Federal Investigative Services, U.S. Office of Personnel Management.

Title: Freedom of Information/Privacy Act Record Request Form, INV 100.

OMB Number: 3206–0259.

Affected Public: Individuals submitting FOIA and Privacy Act record requests to FIS–FOI/PA.

Number of Respondents: 15,682.

Estimated Time per Respondent: 5 minutes.

Total Burden Hours: 1,307.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–10060 Filed 4–28–16; 8:45 am]

BILLING CODE 6325–53–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Job Information Report, OMB 3220–0193. The Railroad Retirement Board (RRB) occupational disability standards allow the RRB to request job information from railroad employers to determine an applicant's eligibility for an occupational disability.

To determine an occupational disability, the RRB must obtain the employee's work history and establish if the employee is precluded from performing his or her regular railroad occupation. This is accomplished by comparing the restrictions caused by the impairment(s) against the employee's ability to perform his or her job duties.

To collect the information needed to determine the effect of a disability on an employee applicant's ability to work, the RRB utilizes Form G–251, *Vocational Report* (OMB 3220–0141) which is completed by the applicant. When an employee files an application for an occupational disability, the RRB currently releases either Form G–251a, Employer Job Information, along with a generic position description for their current railroad job or Form G–251b, Employer Job Information, (when no generic position description is available) to their employer requesting pertinent job duty information. The employer is given thirty days from the date the forms are released to respond. If the job information is received timely, it is compared to the job information provided by the employee on the G–251, reconciled (if needed), and then used to compare to the restrictions caused by the medical impairment. If the restrictions prohibit the performance of the regular railroad occupation, the claimant is found occupationally disabled. Completion of Form G–251a and G–251b is voluntary.

Extensive changes are proposed to the current information collection process in support of the RRB's Disability Program Improvement Project to enhance/improve disability case processing and overall program integrity as recommended by the RRB's Office of Inspector General and the Government Accountability Office.

The RRB proposes to obsolete current Forms G–251a and G–251b, which request a narrative response and replace them with the implementation of a new version of Form G–251a, which will utilize a combined narrative/structured question and answer format.

Proposed Form G–251a will request railroad employers to provide information regarding whether the employee has been medically disqualified from their railroad occupation; a summary of the employee's duties; the machinery, tools and equipment used by the employee; the environmental conditions under which the employee performs their duties; all sensory requirements (vision, hearing, speech) needed to perform the employee's duties; the physical actions and amount of time (frequency) allotted for those actions that may be required by the employee to perform their duties during a typical work day; any permanent working accommodations an employer may have made due to the employee's disability; as well as any other relevant information they may choose to include. Completion is voluntary.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–251a	500	60	500

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV.* Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Charles.Mierzwa@RRB.GOV.* Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2016–10034 Filed 4–28–16; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77703; File No. SR–NYSE–2015–46]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Partial Amendment Nos. 1 and 2 and Order Granting Accelerated Approval to a Proposed Rule Change to Adopt NYSE Rule 67 To Implement the Quoting and Trading Requirements of the Regulation NMS Plan To Implement A Tick Size Pilot Program

April 25, 2016.

I. Introduction

On October 9, 2015, New York Stock Exchange LLC ("Exchange" or "NYSE") filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposal to adopt NYSE Rule 67 to implement the quoting and trading requirements of the Plan to Implement Tick Size Pilot Program ("Plan") submitted to the Commission pursuant to Rule 608 of Regulation NMS under the Act ("Tick Size Pilot").[3] The proposal was published for comment in the **Federal Register** on October 28, 2015.[4] The Commission received three comment letters on the proposal[5] and a response letter from the Exchange.[6] On December 3, 2015, the Commission designated a longer period for

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (May 13, 2015) (order approving the Tick Size Pilot) ("Approval Order").

[4] *See* Securities Exchange Act Release No. 76229 (October 22, 2015) 80 FR 66065 ("Original NYSE Proposal").

[5] *See* letters from Mary Lou Von Kaenel, Managing Director, Financial Information Forum, dated November 5, 2015 ("FIF Letter I") and dated February 18, 2016 ("FIF Letter II"); and Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated December 18, 2015 ("SIFMA Letter").

[6] *See* letter from Brendon J. Weiss, Co-Head, Government Affairs, Intercontinental Exchange, Inc. and John K. Kerin, CEO, Chicago Stock Exchange, Inc., dated January 15, 2016 ("Response Letter"). The response letter was filed by the Exchange on behalf of NYSE Arca, Inc., NYSE MKT LLC, and the Chicago Stock Exchange, Inc. ("CHX"). In the Response Letter, the Exchange also commented on proposed rule changes submitted by the Financial Industry Regulatory Authority, Inc. ("FINRA") and BATS Exchange, Inc. ("BATS") to implement the quoting and trading requirements of the Tick Size Pilot. *See* Securities Exchange Act Release Nos. 76483 (November 19, 2015), 80 FR 73853 (November 25, 2015) (SR–FINRA–2015–047) ("FINRA Proposal") and 76552 (December 3, 2015), 80 FR 76591 (December 9, 2015) (SR–BATS–2015–108) ("BATS Proposal"). The FINRA Proposal and the BATS Proposal have subsequently been approved by the Commission. *See* Securities Exchange Act Release Nos. 77218 (February 23, 2016), 81 FR 10290 (February 29, 2016) ("FINRA Approval Order") and 77291 (March 3, 2016), 81 FR 12543 (March 9, 2016) ("BATS Approval Order").

Commission action on the proposal[7] and on January 25, 2016, instituted proceedings under Section 19(b)(2)(B) of the Act to determine whether to disapprove the proposal.[8] On March 21, 2016, NYSE filed Partial Amendment No. 1.[9] On April 21, 2016, the NYSE filed Partial Amendment No. 2.[10] This order approves the proposal, as modified by Partial Amendments No. 1 and No. 2.

II. Background

On August 25, 2014, NYSE Group, Inc., on behalf of BATS Exchange, Inc., BATS Y-Exchange, Inc., CHX, EDGA Exchange, Inc., EDGX Exchange, Inc., FINRA, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, the Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc. (collectively "Participants"[11]), filed with the Commission, pursuant to Section 11A of the Act[12] and Rule 608 of Regulation NMS thereunder,[13] the Plan to Implement the Tick Size Pilot.[14] The Participants filed the Plan to comply with a Commission order dated June 24, 2014.[15] The Plan was published for comment in the **Federal Register** on November 7, 2014,[16] and approved by the Commission, as modified, on May 6, 2015.[17] On November 6, 2015, the Commission issued an exemption to the Participants from implementing the Plan until October 3, 2016.[18]

The Tick Size Pilot is designed to allow the Commission, market participants, and the public to study and assess the impact of increment conventions on the liquidity and trading of the common stocks of certain small-capitalization companies. Each Participant is required to comply, and to enforce compliance by its members, as applicable, with the provisions of the Plan.[19] The Plan requires Participants to develop quoting and trading requirements for the Tick Size Pilot as well as collect, publish, and submit to the Commission a variety of data elements such as market quality statistics and market maker profitability.[20] NYSE proposes to adopt certain provisions of NYSE Rule 67 to implement the quoting and trading requirements of the Tick Size Pilot.[21]

III. Description of the Proposed Rule Change

A. Definitions and Policies To Comply With the Plan

NYSE proposes to adopt NYSE Rule 67(a), (c), (d), and (e)[22] to implement the quoting and trading requirements of the Tick Size Pilot.[23] Proposed NYSE Rule 67(a)(1) contains definitions[24] of "Plan,"[25] "Pilot Test Groups,"[26] "Retail Investor Order,"[27] and "Trade-at Intermarket Sweep Order."[28]

Proposed NYSE Rule 67(a)(2) provides that the Exchange is a Participant in the Plan and is subject to the applicable requirements of the Plan. Proposed NYSE Rule 67(a)(3) provides that member organizations shall establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the applicable requirements of the Plan. Proposed NYSE Rule 67(a)(4) provides that Exchange systems will not display, quote, or trade in violation of the applicable quoting and trading requirements for a Pilot Security as specified in the Plan and NYSE Rule 67, unless such quotation or transaction is specifically exempted under the Plan.

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[7] *See* Securities Exchange Act Release No. 76551, 80 FR 76602 (December 9, 2015).

[8] *See* Securities Exchange Act Release No. 76971, 81 FR 5027 (January 29, 2016).

[9] In Partial Amendment No. 1, NYSE amends its proposed rule change to conform it to the FINRA and BATS Proposals. Specifically, Partial Amendment No. 1: (1) Adds an exception to permit members to fill a customer order in a Pilot Security in Test Group Two or Test Group Three at a non-nickel increment to comply with NYSE Rule 5320 under limited circumstances; (2) amends the display exception of Trade-at Prohibition to allow a Trading Center who is displaying as either agent or riskless principal to execute up to the displayed size as agent or riskless principle; (3) removes the explicit odd lot exception from the Trade-at Prohibition; (4) adds exceptions to the Trade-at Prohibition for certain error correction transactions; (5) modifies the stopped order exception to the Trade-at Prohibitions to better align it with the stopped order exception in Rule 611 of Regulation NMS; (6) clarifies the use of Trade-at Intermarket Sweep Orders ("Trade-at ISOs") in connection with the Trade-At Prohibition; and (7) amends the definition of a "Retail Investor Order."

[10] In Partial Amendment No. 2, NYSE proposes additional amendments to conform this proposed rule change to the FINRA and BATS Proposals. Specifically, NYSE proposes to (1) delete its proposed definition of Trading Center; (2) refer to independent trading units, as defined in Rule 200(f) of Regulation SHO, in proposed NYSE Rule 67(e)(4)(C)(i) and (ii); and (3) correct a typographical error in the Trade-at ISO definition located in proposed NYSE Rule 67(a)(1)(D)(ii).

[11] The Commission notes that on February 5, 2016, National Stock Exchange, Inc. ("NSX") filed a Plan amendment with the Commission to become a Plan Participant pursuant to Section II.C of the Plan. *See* Securities Exchange Act Release No. 77277 (March 3, 2016).

[12] 15 U.S.C. 78k–1.

[13] 17 CFR 242.608.

[14] *See* letter from Brendon J. Weiss, Vice President, Intercontinental Exchange, Inc., to Secretary, Commission, dated August 25, 2014.

[15] *See* Securities Exchange Act Release No. 72460, 79 FR 36840 (June 30, 2014).

[16] *See* Securities Exchange Act Release No. 73511 (November 3, 2014), 79 FR 66423.

[17] *See* Approval Order, *supra* note 3.

[18] *See* Securities Exchange Act Release No. 76382, 80 FR 70284 (November 13, 2015).

[19] Rule 608(c) of Regulation NMS. 17 CFR 242.608(c). *See also* Plan Sections II.B and IV.

[20] The data collection requirements for the Plan are specified in Appendices B and C. *See* Approval Order, *supra* note 3. NYSE has adopted rules to implement the data collection requirements under the Plan. *See* NYSE Rule 67(b). Securities Exchange Act Release No. 77468 (March 29, 2016), 81 FR 19269, (April 4, 2016).

[21] NYSE, on behalf of the Plan Participants, submitted a letter to the Commission requesting an exemption from certain provisions of the Plan related to the quoting and trading requirements as they apply to Pilot Securities that have a price under $1.00. *See* letter from Elizabeth K. King, General Counsel & Corporate Secretary, NYSE, to Brent J. Fields, Secretary, Commission, dated October 14, 2015 ("October Exemption Request"). In addition, FINRA, on behalf of the Plan Participants, submitted a letter to the Commission requesting additional exemptions from certain provisions of the Plan related to the quoting and trading requirements. *See* letter from Marcia E. Asquith, Senior Vice President and Corporate Secretary, FINRA, to Robert W. Errett, Deputy Secretary, Commission, dated February 23, 2016 ("February Exemption Request"). The Commission, pursuant to its authority under Rule 608(e) of Regulation NMS, has granted NYSE a limited exemption from the requirement to comply with certain provisions of the Plan as specified in the letters and noted herein. *See* letter from David Shillman, Associate Director, Division of Trading and Markets, Commission to Sherry Sandler, Associate General Counsel, NYSE, dated April 25, 2016 ("SEC Exemption Letter").

[22] NYSE Rule 67(b) sets forth the data collection requirements for the Exchange and its member organizations as required under the Plan. *See supra* note 20.

[23] The effectiveness of proposed NYSE Rule 67 will coincide with the Pilot Period of the Plan. *See* Proposed NYSE Rule 67.

[24] Proposed NYSE Rule 67(a)(1)(E) provides that all capitalized terms not otherwise defined in proposed NYSE Rule 67 shall have the meanings set forth in the Tick Size Pilot, Regulation NMS under the Exchange Act, or Exchange Rules. In Partial Amendment No. 2, NYSE deletes its originally proposed definition of Trading Center to clarify reliance on the definition set forth in the Plan. *See* Partial Amendment No. 2, *supra* note 10.

[25] NYSE proposes to define the "Plan" as the Tick Size Pilot plan submitted to the Commission pursuant to Rule 608 of Regulation NMS. *See* proposed NYSE Rule 67(a)(1)(A).

[26] NYSE proposes to define "Pilot Test Groups" as the three test groups established under the Plan, consisting of 400 Pilot Securities each, which satisfy the respective criteria established under the Plan for each such test group. *See* proposed NYSE Rule 67(a)(1)(B).

[27] NYSE proposes to define "Retail Investor Order" as an agency order or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a retail member organization provided that no change is made to the terms of the order with respect to the price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. *See* proposed NYSE Rule 67(a)(1)(C). The Retail Investor Order definition was amended to clarify that the Retail Investor Order exceptions under the Plan were not limited to exchange-related executions. *See* Partial Amendment No. 1, *supra* note 9. This section was renumbered in Partial Amendment No. 2. *See* Partial Amendment No. 2, *supra* note 10.

[28] NYSE proposes to define "Trade-at Intermarket Sweep Order" as a limit order for a Pilot Security that is identified as a Trade-at Intermarket Sweep Order and simultaneous to its identification as such has one or more additional limit orders, as necessary, routed to execute against the full size of the respective protected bid or offer of the Pilot Security at a price that is better than or equal to the original limit price of the identified order. These additional orders also must be marked as Trade-at Intermarket Sweep Orders. *See* proposed NYSE Rule 67(a)(1)(E). This definition was added to clarify the use of such orders under the Plan. *See* Partial Amendment No. 1, *supra* note 9. This definition was renumbered and amended to correct a typographical error. *See* Partial Amendment No. 2, *supra* note 10.

Proposed NYSE Rule 67(a)(5) defines the procedure for dealing with Pilot Securities that drop below $1.00 during the Pilot Period.[29] If the price of a Pilot Security drops below $1.00 during regular trading on any given business day, the Pilot Security will continue to trade according to the quoting and trading requirements of its originally assigned Test Group in the Plan. If a Pilot Security has a Closing Price below $1.00, the Pilot Security will be moved from its respective Test Group into the Control Group, and will be quoted and traded-at any price increment that is currently permitted by Exchange rules for the remainder of the Pilot Period.[30] Proposed NYSE Rule 67(a)(5) further provides that notwithstanding anything to the contrary, at all times during the Pilot Period, Pilot Securities (whether in the Control Group or any Pilot Test Group) will continue to be subject to the requirements contained in Paragraph (b).[31]

B. Quoting and Trading Rules for Test Group One and Test Group Two

Proposed NYSE Rule 67(c) describes the quoting and trading requirements of Pilot Securities in Test Group One. Specifically, NYSE proposes that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in increments other than $0.05 for Pilot Securities in Test Group One.[32] Orders priced to trade at the midpoint of the national best bid and national best offer ("NBBO") or best protected bid and best protected offer ("PBBO") and orders entered into the Exchange's Retail Liquidity Program as Retail Price Improvement Orders may be ranked and accepted in increments of less than $0.05. The provision also provides that Pilot Securities in Test Group One would continue to be able to trade at any price increment that is currently permitted.

Proposed NYSE Rule 67(d) describes the quoting and trading requirements of Pilot Securities in Test Group Two. Specifically, NYSE proposes that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in increments other than $0.05 for Pilot Securities in Test Group Two.[33] Further, NYSE proposes that absent any enumerated exceptions, no member organization may execute orders in any Test Group Two Pilot Security in a price increment other than $0.05.[34]

Proposed NYSE Rule 67(d)(3) provides that Test Group Two Pilot Securities may trade in increments less than $0.05 in the following circumstances: (A) Trading may occur at the midpoint between the NBBO or the PBBO; (B) Retail Investor Orders may be provided price improvement of at least $0.005 better than the PBBO; and (C) Negotiated Trades may trade in less than $0.05 increments.

In Partial Amendment No. 1, NYSE proposes an additional exception from the $0.05 trading increment requirement for Test Group Two Pilot Securities. Specifically, NYSE proposes to permit members to execute customer orders to comply with NYSE Rule 5320 following the execution of a proprietary trade by the member at an increment other than $0.05 that was permissible pursuant to an exception under the Plan.[35]

C. Quoting and Trading Rules for Test Group Three

Proposed NYSE Rule 67(e) describes the quoting and trading requirements of Pilot Securities in Test Group Three. NYSE proposes that no member organization may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in increments other than $0.05, for Pilot Securities in Test Group Three.[36] Proposed NYSE Rule 67(e)(2) states that absent an enumerated exception, no member organization may execute orders in any Test Group Three Pilot Security in a price increment other than $0.05.[37] Proposed NYSE Rule 67(e)(3) provides for the same four exceptions to the $0.05 trading increment requirement specified for Test Group Two.[38]

Proposed NYSE Rule 67(e)(4) states the Test Group Three Pilot Securities will be subject to a Trade-at Prohibition. Proposed NYSE Rule 67(e)(4)(A) defines "Trade-At Prohibition" as the prohibition against executions by a Trading Center of a sell order for a Pilot Security at the price of a Protected Bid or the execution of a buy order at the price of a Protected Offer during regular trading hours. Proposed NYSE Rule 67(e)(4)(B) states that absent an enumerated exception, no member organization may execute a sell order for a Pilot Security in Test Group Three at the price of a Protected Bid or a buy order at the price of a Protected Offer.

Proposed NYSE Rule 67(e)(4)(C) sets forth the exceptions to the Trade-at Prohibition for member organizations as follows:

(i) The order is executed as agent or riskless principal by an independent trading unit, as defined in Rule 200(f) of Regulation SHO, of the Trading Center within a member organization that has a displayed quotation as agent or riskless principal, via either a processor or a SRO Quotation Feed, at a price equal to the traded-at Protected Quotation, that was displayed before the order was received, but only up to the full displayed size of that independent trading unit's previously displayed quote;[39]

(ii) the order is executed by an independent trading unit, as defined in Rule 200(f) of Regulation SHO, of the Trading Center within a member organization that has displayed a quotation for the account of that Trading Center on a principal basis, excluding riskless principal, via either a processor or an SRO Quotation Feed, at a price equal to the traded-at Protected Quotation, that was displayed before the order was received, but only up to the full displayed size of that independent trading unit 's previously displayed quote;[40]

(iii) the order that is of Block Size[41] at the time of origin and is not an aggregation of non-block orders; broken into orders smaller than Block Size prior to submitting the order to a Trading Center for execution; or executed on multiple Trading Centers; (iv) the order is a Retail Investor Order[42] that is executed with at least $0.005 price improvement;

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[29] NYSE has requested an exemption from the Plan related to this provision. *See* October Exemption Request, *supra* note 21.

[30] *See* Proposed NYSE Rule 67(a)(5).

[31] NYSE Rule 67(b) implements the data collection provisions required under the Plan. *See supra* note 20.

[32] *See* Proposed NYSE Rule 67(c).

[33] Similar to the exception in Test Group One, orders priced to trade at the midpoint of the NBBO or PBBO and orders entered into the Exchange's Retail Liquidity Program as Retail Price Improvement Orders may be ranked and accepted in increments of less than $0.05. *See* Proposed NYSE Rule 67(d)(1).

[34] Proposed NYSE Rule 67(d)(2) applies to all trades, including Brokered Cross Trades.

[35] *See* Partial Amendment No. 1, *supra* note 9. NYSE has requested an exemption from the Plan related to this provision. *See* February Exemption Request, *supra* note 21.

[36] Similar to the exceptions in Test Group One and Test Group Two, orders priced to trade at the midpoint of the NBBO or PBBO and orders entered into the Exchange's Retail Liquidity Program as Retail Price Improvement Orders may be ranked and accepted in increments of less than $0.05. *See* Proposed NYSE Rule 67(e)(1).

[37] Proposed NYSE Rule 67(e)(2) applies to all trades, including Brokered Cross Trades.

[38] *See* Proposed NYSE Rule 67(d)(3). *See also*, *supra* note 36.

[39] *See* Partial Amendment No. 1, *supra* note 9 and Partial Amendment No. 2, *supra* note 10.

[40] *Id.*

[41] "Block Size" is defined in the Plan as an order (1) of at least 5,000 shares or (2) for a quantity of stock having a market value of at least $100,000.

(v) the order is executed when the Trading Center displaying the Protected Quotation that was traded-at was experiencing a failure, material delay, or malfunction of its systems or equipment;

(vi) the order is executed as part of a transaction that was not a "regular way" contract;

(vii) the order is executed as part of a single-priced opening, reopening, or closing transaction on the Exchange;

(viii) the order is executed when a Protected Bid is priced higher than a Protected Offer in the Pilot Security;

(ix) the order is identified as a Trade-at ISO;[43]

(x) the order is executed by a Trading Center that simultaneously routed Trade-at ISOs to execute against the full displayed size of the Protected Quotation that was traded-at;

(xi) the order is executed as part of a Negotiated Trade;

(xii) the order is executed when the Trading Center displaying the Protected Quotation that was traded-at had displayed, within one second prior to execution of the transaction that constituted the Trade-at, a Best Protected Bid or Best Protected Offer, as applicable, for the Pilot Security with a price that was inferior to the price of the Trade-at transaction;

(xiii) the order is executed by a Trading Center which, at the time of order receipt, had guaranteed an execution at no worse than a specified price (a "stopped order") where: (A) The stopped order was for the account of a customer; (B) the customer agreed to the specified price on an order-by-order basis; and (C) the price of the Trade-at transaction was, for a stopped buy order, equal to or less than the National Best Bid in the Pilot Security at the time of execution or, for a stopped sell order, equal to or greater than the National Best Offer in the Pilot Security at the time of execution, as long as such order is priced at an acceptable increment;[44]

(xiv) the order is for a fractional share order of a Pilot Security, provided that such fractional share order was not the result of breaking an order[45] for one or more whole shares of a Pilot Security into orders for fractional shares or was not otherwise effected to evade the requirements of the Tick Size Pilot; or

(xv) the order is to correct a bona fide error, which is recorded by the Trading Center in its error account. NYSE proposes to define a bond fide error as: (A) The inaccurate conveyance or execution of any term of an order including, but not limited to, price, number of shares or other unit of trading; identification of the security; identification of the account for which securities are purchased or sold; lost or otherwise misplaced order tickets; short sales that were instead sold long or vice versa; or the execution of an order on the wrong side of a market; (B) the unauthorized or unintended purchase, sale, or allocation of securities, or the failure to follow specific client instructions; (C) the incorrect entry of data into relevant systems, including reliance on incorrect cash positions, withdrawals, or securities positions reflected in an account; or (D) a delay, outage, or failure of a communication system used to transmit market data prices or to facilitate the delivery or execution of an order.[46]

IV. Summary of Comments and the Exchange's Response

As noted above, the Commission received three comment letters from two commenters concerning the proposed rule change[47] along with a Response Letter[48] and Partial Amendments[49] from the Exchange.

Both commenters discussed aspects of the Trade-at Prohibition. Specifically, the two commenters opposed the Original NYSE Proposal because it restricted the display exception to the Trade-at Prohibition to member organizations displaying Protected Quotations on a principal basis.[50] The commenters believed that this restriction was not consistent with the Plan.

In the Response letter, the Exchange described a scenario that it believed could occur under the FINRA and BATS Proposals. Specifically, the Exchange believed that the FINRA and BATS Proposals would allow an alternative trading system ("ATS") to execute matched trades of any of its participants at the price of a traded-at Protected Quotation if the ATS was displaying, on an agency basis, a quotation of another participant at the Protected Quotation. The Exchange believed that this scenario created a situation where ATS participants could trade at the price of a Protected Quotation without requiring them to display at that price, thus permitting them to "free-ride" on a displayed Protected Quotation of other ATS participants.[51] One commenter stated that this scenario was unlikely to occur and that they were unaware of any current cases in which it would be allowed.[52] As noted in the FINRA Approval Order, FINRA stated that it did not believe that the scenario described by the Exchange in its Response Letter could occur under its rules. FINRA confirmed that a broker-dealer would not be permitted to trade based on interest that it is not responsible for displaying.[53]

The Exchange responded in Partial Amendment No. 1 by amending its display exception to the Trade-at Prohibition to allow a Trading Center within a member organization to execute an order at the Protected Quotation as agent or riskless principal if the Trading Center within the member organization has displayed a quotation at the Protected Quotation Price in an agency or riskless principal capacity, which conforms with the FINRA and BATS Proposals.[54]

Commenters also discussed the Retail Investor Order exceptions, Block Size Order exception to the Trade-at Prohibition as well as adding certain exceptions to more closely align the Trade-at Prohibition with Rule 611 of Regulation NMS. The commenters requested that the NYSE's proposed Retail Investor Order definition be amended to clarify that the Retail Investor Order exceptions in the Plan applied to both exchange trading and over-the-counter ("OTC") trading.[55] Initially, the Exchange agreed with the commenters' Retail Investor Order interpretation, but did not believe that amending the definition was necessary.[56] Subsequently, the Exchange amended its proposed Retail Investor Order definition to address the concerns of commenters and further clarify its intent.[57]

One commenter stated the proposed Block Size exception to the Trade-at Prohibition should be amended because it would prevent the facilitation of block crosses that include small orders.[58] The commenter suggested that the rule be amended to permit the aggregation of non-block orders so long as at least one component of the block itself satisfied the definition of Block Size Order. The Exchange responded by stating that the commenter's suggested changes would be inconsistent with the Plan.[59]

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[42] Proposed NYSE Rule 67(a)(1)(C) defines Retail Investor Order. *See supra* note 27.

[43] Proposed NYSE Rule 67(a)(1)(D) defines Trade-at ISO.

[44] *See* Partial Amendment No. 1, *supra* note 9. NYSE has requested an exemption from the Plan related to this provision. *See* February Exemption Request, *supra* note 21.

[45] Additionally, no member shall break an order into smaller orders or otherwise effect or execute an order to evade the requirements of the Trade-at Prohibition or any other provisions of the Plan. *See* Proposed NYSE Rule 67(e)(4)(D).

[46] *See* Partial Amendment No. 1, *supra* note 9. NYSE has requested an exemption from the Plan related to this provision. *See* February Exemption Request, *supra* note 21.

[47] *See supra* note 5.

[48] *See supra* note 6.

[49] *See supra* notes 9 and 10.

[50] *See* FIF Letter I and SIFMA Letter.

[51] *See* Response Letter.

[52] *See* FIF Letter II.

[53] *See* FINRA Approval Order.

[54] *See* proposed NYSE Rule 67(e)(4)(C)(i) and proposed NYSE Rule 67(e)(4)(C)(ii). In Partial Amendment No. 2, Proposed NYSE Rule 67(e)(4)(C)(i) and proposed NYSE Rule 67(e)(4)(C)(ii) were amended to reflect the use of an independent trading unit, as defined in Rule 200(f) of Regulation SHO, by a Trading Center. *See* Partial Amendment No. 2, *supra* note 10. *See also* 17 CFR 242.200(f).

[55] *See* SIFMA Letter; FIF Letter I and FIF Letter II.

[56] *See* Response Letter.

[57] The definition was amended to remove references to the Exchange's retail liquidity program. *See* Partial Amendment No. 1, *supra* note 9.

[58] *See* FIF Letter I and FIF Letter II.

One commenter suggested that the proposed exceptions to the Trade-at Prohibition should more closely align with the exemptions granted to Rule 611 of Regulation NMS.[60] Specifically, the commenter referenced the Rule 611 of Regulation NMS exemptions for certain error correction transactions and certain print protection transactions.[61] The Exchange agreed with the commenter, in part, and amended the proposal to include a Trade-at Prohibition exception for certain error correction transactions.[62] The Exchange did not believe it was appropriate to provide a print protect transaction exception and did not directly address or amend its proposal to include such an exception.[63]

The two commenters noted the necessity for the Tick Size Pilot rules to be consistent across the Participants.[64] One commenter indicated the approval of inconsistent proposals would make compliance for market participants "virtually impossible."[65] The other commenter stressed the importance of standardization for Tick Size Pilot rules stating it would be unreasonable to comply with different rules across Participants.[66] In response, the Exchange amended its proposed rule change to conform it to the approved FINRA and BATS Proposals.[67]

V. Discussion and Findings

After carefully considering the proposed rule change, as amended, the comments submitted, and NYSE's response to the comments, the Commission finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[68] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[69] which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and are not designed to permit unfair discrimination between customers, issuers, brokers or dealers. In addition, the Commission finds that the proposed rule change is consistent with Section 6(b)(8) of the Act,[70] which requires that the rules of an exchange not impose any burden on competition that is not necessary or appropriate.

The Commission stated in the Approval Order that the Tick Size Pilot should provide a data-driven approach to evaluate whether certain changes to the market structure for Pilot Securities would be consistent with the Commission's mission to protect investors, maintain fair, orderly and efficient markets, and facilitate capital formation.[71] As discussed below, the Commission believes that NYSE's proposal is consistent with the requirements of the Act and would further the purpose of the Plan to provide meaningful data.

NYSE, as a Plan Participant, has an obligation to comply, and enforce compliance by its members, with the terms of the Plan. Rule 608(c) of Regulation NMS provides that "[e]ach self-regulatory organization shall comply with the terms of any effective national market system plan of which it is a sponsor or participant. Each self-regulatory organization also shall, absent reasonable justification or excuse, enforce compliance with any such plan by its members and persons associated with its members."[72] Proposed NYSE Rule 67 would impose compliance obligations on its members with the trading and quoting requirements set forth in Section VI of the Plan. As discussed below, the Commission also believes the proposal is consistent with the Act because it is designed to assist NYSE in meeting its regulatory obligations pursuant to Rule 608 of Regulation NMS and the Plan.[73]

A. Definitions and Policies To Comply With the Plan[74]

Proposed NYSE Rule 67 (a)(1) sets forth certain definitions to ensure consistency and compliance with the Plan. In Partial Amendment No. 1, the Exchange amended its proposed definition for Retail Investor Orders.[75] The term Retail Investor Order was amended to clarify that under the Plan Retail Investor Orders are eligible for the Plan's exceptions whether on the Exchange or OTC. Under the Plan, Retail Investor Orders are able to trade in increments other than $0.05 when they are provided with price improvement of at least $0.005. The exception is permitted on exchange Trading Centers as well as OTC. NYSE's proposed rule, as amended, clarifies this exception. The amended definition is intended to conform with FINRA Rule 6191(a)(7)(A)[76] and would apply to all member organizations' trading activities pursuant to the Plan, and not solely member organizations' trading through the Exchange's retail liquidity program. The Commission finds the definition consistent with the Act because it implements the Plan.

In Partial Amendment No. 1, the Exchange added a definition for Trade-at ISO[77] to clarify the use of such orders under the Plan. The Commission notes that while the NYSE definition is similar to the Plan definition, the NYSE definition differs in that it requires that a Trade-at ISO be identified as a Trade-at ISO whereas under the Plan definition a Trade-at ISO would be identified as an ISO.[78] As noted in the FINRA Approval Order, the use of the term ISO in the context of Test Group Three Pilot Securities Three could be unclear as an ISO used for compliance with Rule 611 of Regulation NMS may differ from an ISO used for compliance with the Trade-at Prohibition. Accordingly, by requiring Trade-at ISOs to be identified as such, the Commission believes that NYSE's proposal should clarify and distinguish the use of ISOs and Trade-at ISOs under the Tick Size Pilot. The Commission believes that this should also facilitate implementation of the Plan.

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[59] *See* Response Letter.

[60] 17 CFR 242.611.

[61] The commenter noted the following Commission orders related to Rule 611 of Regulation NMS. Order Exempting Certain Error Correction Transactions from Rule 611 of Regulation NMS under the Securities Exchange Act of 1934 (*http://www.sec.gov/rules/exorders/2007/34-55884.pdf*); Order Exempting Certain Print Protection Transactions from Rule 611 (*http://www.sec.gov/rules/exorders/2007/34-55883.pdf*). *See* FIF Letter I and FIF Letter II.

[62] The Exchange stated the error correction transaction exception is "equally applicable in the Trade-at context." *See* Partial Amendment No. 1, *supra* note 9.

[63] Similarly, the commenter requested that a print protection transaction exception to the Trade-at Prohibition be added to the FINRA and BATS Proposals. Like the Exchange, neither FINRA nor BATS added the provision to their proposals. *See* FINRA and BATS Approval Orders, *supra* note 6.

[64] *See* SIFMA Letter and FIF Letter II.

[65] *See* SIFMA Letter.

[66] *See* FIF Letter II.

[67] *See* Partial Amendment No. 1, *supra* note 9. One commenter raised issues that are tangential and not directly related to the Exchange's proposal, such as the implementation timeline and questions of interpretation. *See* FIF Letter I and FIF Letter II. The Commission notes that the Participants are currently drafting FAQs to address interpretative questions.

[68] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[69] 15 U.S.C. 78f(b)(5).

[70] 15 U.S.C. 78f(b)(8).

[71] *See* Approval Order, *supra* note 3.

[72] 17 CFR 242.608(c). *See also* Section II.B of the Plan, which provides that each Participant will adopt rules requiring compliance by its members with provisions of the Plan. In addition, Section IV of the Plan requires all Participants and members of Participants to establish maintain and enforce written policy and procedures that are reasonably designed to comply with the applicable quoting and trading requirements specified in Section VI of the Plan for the Pilot Securities.

[73] The Commission understands that the Participants are developing interpretative guidance on the quoting and trading rules under the Plan and expects that Participants will continue to work with market participants on the implementation of the quoting and trading rules of the Tick Size Pilot.

[74] The preamble to proposed NYSE Rule 67 specifies that the rule's effectiveness shall be contemporaneous with the pilot period. The Commission believes that this proposed rule is consistent with the Act because it reinforces and clarifies important dates and obligations under the Plan.

[75] *See* proposed NYSE Rule 67(a)(1)(C). This section was renumbered in Partial Amendment No. 2. *See* Partial Amendment No. 2, *supra* note 10.

[76] *See* FINRA Approval Order, *supra* note 6.

[77] *See* proposed NYSE Rule 67(a)(1)(D). This section was renumbered in Partial Amendment No. 2. *See* Partial Amendment No. 2, *supra* note 10.

In Partial Amendment No. 2, NYSE proposes to remove its proposed definition of Trading Center and instead rely on the definition of Trading Center set forth in the Plan. In the Original NYSE Proposal, NYSE proposed to define Trading Center with a reference to independent trading units, as defined in Rule 200(f) of Regulation SHO. In Partial Amendment No. 2, NYSE noted that this proposed definition could be interpreted in a manner that would be inconsistent with the intentions of the Exchange and the Plan. As discussed below, the concept of an independent trading unit would only apply to the display exception to the Trade-at Prohibition. Accordingly, the Commission finds that the definitions set forth in NYSE Rule 67(a) are consistent with the Act because they implement and clarify provisions of the Plan.

Proposed NYSE Rule 67(a)(2) provides that NYSE, as a Plan Participant, is subject to the applicable requirements of the Plan. Proposed NYSE Rule 67(a)(3) provides that member organizations must establish, maintain, and enforce written policies and procedures that are reasonably designed to meet the applicable quoting and trading requirements of the Plan.

Proposed NYSE Rule 67(a)(4) provides that the Exchange systems will not display, quote, or trade in violation of the applicable quoting and trading requirements for a Pilot Security specified in the Plan and its rule, unless such quotation or transaction is specifically exempted under the Plan. As noted above, Sections II.B and IV of the Plan provide that each Participant must establish, maintain and enforce written policies and procedures that are reasonably designed to comply with the quoting and trading requirements of the Plan and adopt rules requiring compliance by its members with the terms of the Plan. Accordingly, proposed NYSE Rules 67(a)(2), (3) and (4) are consistent with the Act as they clarify and implement these Plan provisions.

B. Pilot Securities Under $1.00 During the Pilot Period

Proposed NYSE Rule 67(a)(5) provides a mechanism to address instances where the price of a Pilot Security assigned to a Test Group falls below $1.00. Specifically, if the price of a Pilot Security assigned to a Test Group falls below $1.00 during a trading day, the Pilot Security would remain in its assigned Test Group. If, however, a Pilot Security has a Closing Price below $1.00 during any trading day that Pilot Security would be moved out of its respective Test Group and into the Control Group. Proposed NYSE Rule 67(a)(5) also sets forth that notwithstanding the foregoing, Pilot Securities would continue to be subject to the data collection requirements set forth in NYSE Rule 67(b). The Commission notes that the selection criteria for Pilot Securities were developed to minimize the likelihood of the inclusion of securities that trade with a share price of $1.00 or less. However, the Commission understands that there could be instances over the course of the Pilot Period where a Pilot Security's price falls below $1.00. According to the Participants, a $0.05 quoting and/or trading increment could be harmful to trading for such low priced Pilot Securities. Therefore, the Commission believes that this provision is consistent with the Act because it should help to ensure that the universe of Pilot Securities remains constant over the Pilot Period while also addressing trading concerns for Pilot Securities that experience a fall in price.[79]

C. Quoting and Trading Rules for Test Group One and Test Group Two

Proposed NYSE Rule 67(c) provides that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in any Pilot Security in Test Group One in increments other than $0.05. Proposed NYSE Rule 67(c) also provides that orders priced to execute at the midpoint of the NBBO or best PBBO and orders entered in the Exchange's Retail Liquidity Program as Retail Price Improvement Orders may be ranked and accepted in increments of less than $0.05. Finally, proposed NYSE Rule 67(c) provides that Pilot Securities in Test Group One may continue to trade at any price increment that is currently permitted by NYSE Rule 62.10. The Commission finds that proposed NYSE Rule 67(c) is consistent with the Act because it implements provisions of the Plan.[80]

Proposed NYSE Rule 67(d)(1) provides that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in any Pilot Security in Test Group Two in increments other than $0.05. However, proposed NYSE Rule 67(d)(1) provides that orders priced to trade at the midpoint of the NBBO or PBBO or orders entered in the Exchange's Retail Liquidity Program as Retail Price Improvement Orders may be ranked and accepted in increments of less than $0.05. Proposed NYSE Rule 67(d)(2) provides that members may not execute trading in increments other than $0.05 including Brokered Cross Trades, unless there is an applicable exception provided in proposed NYSE Rule 67(d)(3). Proposed Rule 67(d)(3) provides that Pilot Securities in Test Group Two may trade in increments less than $0.05 in the following circumstances: (A) Trading may occur at the midpoint between the NBBO or the PBBO; (B) Retail Investor Orders may be provided with price improvement of at least $0.005 better than the PBBO; (C) Negotiated Trades may trade in increments less than $0.05; and (D) customer orders to comply with NYSE Rule 5320 following the execution of a proprietary trade at an increment other than $0.05 that is permissible pursuant to a Plan exception.[81] The Commission finds that proposed NYSE Rules 67(d)(1), (2) and (3)(A), (3)(B) and (3)(C) are consistent with the Act because they implement provisions of the Plan.[82]

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[78] Section I(MM) defined a Trade-at ISO as a limit order for a Pilot Security that meets the following requirements: (1) When routed to a Trading Center, the limit order is identified as an ISO; and (2) simultaneously with the routing of the limit order identified as an ISO, one or more additional limit orders, as necessary, are routed to execute against the full displayed size of any protected bid, in the case of a limit order to sell, or the full displayed size of any protected offer, in the case of a limit order to buy, for the Pilot Security with a price that is equal to the limit price of the limit order identified as an ISO. These additional routed orders also must be marked as ISO.

[79] The Commission notes that it has granted NYSE an exemption from Rule 608(c) related to this provision. *See* SEC Exemption Letter, *supra* note 21.

[80] *See* Section VI.B of the Plan.

[81] *See* Partial Amendment No. 1, *supra* note 9.

In Partial Amendment No. 1, NYSE proposes to add a trading increment exception in NYSE Rule 67(d)(3)(D), which would allow the execution of a customer order following a proprietary trade by a NYSE member at an increment other than $0.05 in the same security, on the same side and at the same price as (or within the prescribed amount of) a customer order owed a fill pursuant to NYSE Rule 5320, where the triggering proprietary trade at an increment other than $0.05 was permissible pursuant to an exception under the Plan. The Exchange believes that this exception should facilitate the ability of its members to continue to protect customer orders while retaining the flexibility to engage in proprietary trades that comply with an exception to the Plan.[83] Based on the foregoing, the Commission finds that proposed NYSE Rule 67(d)(3)(D) is consistent with the Act.[84]

D. Quoting and Trading Rules for Test Group Three

Proposed NYSE Rule 67(e)(1) provides that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in any Pilot Security in Test Group Three in increments other than $0.05. However, proposed NYSE Rule 67(e)(1) provides that orders may be ranked and accepted in increments of less than $0.05 for Test Group Three Pilot Securities if such order is priced to trade at the midpoint of the NBBO or PBBO or is entered in the Exchange's Retail Liquidity Program as Retail Price Improvement Orders. Proposed NYSE Rule 67(e)(2) provides that the $0.05 trading increment applies to all trades for Test Group Three Pilot Securities, including Brokered Cross Trades, unless there is an applicable exception to the $0.05 trading increment requirement. Proposed Rule 67(e)(3) provides that Pilot Securities in Test Group Three may trade in increments less than $0.05 in the following circumstances: (A) Trading may occur at the midpoint between the NBBO or the PBBO; (B) Retail Investor Orders may be provided price improvement of at least $0.005 better than the PBBO; (C) Negotiated Trades may trade in an increment less than $0.05; and (D) customer orders executed to comply with NYSE Rule 5320 following the execution of a proprietary trade at an increment other than $0.05 that is permissible pursuant to a Plan exception.[85] The Commission finds that proposed NYSE Rules 67(e)(1), (2) and (3)(A), (3)(B) and (3)(C) are consistent with the Act because they implement provisions of the Plan.[86] In addition, as discussed above,[87] the Commission finds that proposed NYSE Rule 67(e)(3)(D) is consistent with the Act.

1. Quoting and Trading Rules for Test Group Three: Trade-At Prohibition

Proposed NYSE Rule 67(e)(4) describes the Trade-at Prohibition for Test Group Three Pilot Securities and applicable exceptions. Specifically, proposed NYSE Rule 67(e)(4)(A) defines the Trade-at Prohibition as the prohibition against executions by a Trading Center of a sell order for a Pilot Security at the price of a Protected Bid or the execution of a buy order for a Pilot Security at the price of a Protected Offer during regular trading hours. Proposed NYSE Rule 67(e)(4)(B) sets forth that, absent any of the exceptions listed in subparagraph (C), no member organization may execute a sell order for a Pilot Security in Test Group Three at the price of a Protected Bid or execute a buy order for a Pilot Security in Test Group Three at the price of a Protected Offer. The Commission finds these provisions consistent with the Act because they implement provisions set forth in the Plan.[88]

Proposed NYSE Rule 67(e)(4)(C) lists the exceptions to the Trade-at Prohibition. The proposed exceptions set forth in NYSE Rules 67(e)(4)(C)(iv), (v), (vi), (vii), (viii), (x), (xi), (xii), (xiv) mirror the exceptions set forth in the Plan.[89] The Commission finds these exceptions to be consistent with the Act because they implement Plan provisions.[90]

In Partial Amendment No. 1, NYSE amended its display exception to the Trade-At Prohibition. Specifically, NYSE proposed to add new language in proposed NYSE Rule 67(e)(4)(C)(i) to permit the execution of an order as agent or riskless principal by a Trading Center within a member organization that has displayed a quotation as agent or riskless principal, via either a processor or an SRO Quotation Feed, at a price equal to the traded-at Protected Quotation, that was displayed before the order was received but only up to the full displayed size of the Trading Center's previously displayed quote.

In Partial Amendment No. 1, the Exchange also renumbers the originally proposed subsection (i) as subsection (ii) to proposed NYSE Rule 67(e)(4)(C). Consistent with the discussion above, the provision was also amended to exclude displayed quotations on a riskless principal basis from the types of quotations that a Trading Center may rely on as an exception to the Trade-at Prohibition under NYSE Rule 67(e)(4)(C)(ii). Proposed NYSE Rule 67(e)(4)(ii) now permits the execution of an order by a Trading Center within a member organization that has displayed a quotation for the account of that Trading Center on a principal basis (excluding riskless principal), via either a processor or an SRO Quotation Feed, at a price equal to the traded-at Protected Quotation, that was displayed before the order was received, but only up to the full displayed size of the Trading Center's previously displayed quote. A Trading Center that has displayed a quotation as principal, excluding riskless principal, may execute an order as principal, agent or riskless principal.

In Partial Amendment No. 2, NYSE proposes to specify that a Trading Center that uses independent trading units, as defined under Rule 200(f) of Regulation SHO, must execute orders that rely on the display exception set forth in NYSE Rules 67(e)(4)(C)(i) or (ii) within the same independent trading unit that displayed the relevant quotation.[91]

The Commission finds that proposed NYSE Rule 67(e)(4)(C)(i) and (ii) are consistent with the Act. The Commission believes that the proposed rule clarifies the operation of the display exception for the Trade-at Prohibition in a manner consistent with the goals of the Plan. Under the proposed rule, a Trading Center would only be able to execute an order in the same capacity in which it has displayed a quotation. Accordingly, a Trading Center could not rely on an agency quotation to execute on a principal basis. Further, a Trading Center that uses independent trading units would be restricted in its ability to rely on quotations displayed by other independent trading units. As noted above, a Trading Center that utilizes independent trading units may only execute an order in the independent trading unit that displayed the quotation. The Commission believes that these additional proposed rules implement the display exception to the Trade-at Prohibition in a manner that should incentivize the display of liquidity.[92]

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[82] *See* Section VI.C of the Plan.

[83] The Commission notes that a similar exception was added to the FINRA Proposal in response to a commenter's request. *See* FINRA Approval Order, *supra* note 6.

[84] The Commission notes that it has granted NYSE an exemption from Rule 608(c) related to this provision. *See* SEC Exemption Letter, *supra* note 21.

[85] *See* Partial Amendment No. 1, *supra* note 9.

[86] *See* Section VI.D of the Plan.

[87] *See* Section V.C above related to the discussion of proposed NYSE Rule 67(d)(3)(D). The Commission notes that it has granted NYSE an exemption from Rule 608(c) related to this provision. *See* SEC Exemption Letter, *supra* note 21.

[88] *See* Section VI.D of the Plan.

[89] *See* Section VI.D(3) through (7), (9), (10), (11) and (13) of the Plan.

[90] *Id.*

[91] *See* Partial Amendment No. 2, *supra* note10. *See also* 17 CFR 242.200(f). As noted in the Original NYSE Proposal, a Trading Center cannot rely on the quotations displayed by that broker-dealer from a different independent trading unit. The Original NYSE Proposal contained the independent trading unit limitation in its proposed definition of Trading Center. As noted above, NYSE removed its proposed definition of Trading Center in Partial Amendment No. 2.

In Partial Amendment No. 1, NYSE proposes to remove an exception related to odd lot orders and odd lot portions of partial round lot orders. The Exchange noted that it agreed with FINRA and BATS in that a separate exception was unnecessary and that while odd lots are not Protected Quotations, a Trading Center displaying an odd lot order via an SRO Quotation Feed would be able to execute the odd lot order based on such display and the price and size requirements of the Trade-at Prohibition. The Commission notes that the Plan does not include a separate exception for odd lots orders. In addition, the Commission notes that it addressed the treatment of odd lots orders in the Approval Order.[93] Accordingly, the Commission believes that the NYSE's proposed rule, as amended by Partial Amendment No. 1, is consistent with the Act because the rule reflects the provisions of the Plan.

Proposed NYSE Rule 67(e)(4)(C)(iii) sets forth an exception to the Trade-at Prohibition for orders of Block Size that differs from the exception to the Trade-at Prohibition set forth in the Plan. NYSE proposes additional provisions with respect to Block Size orders including that such orders at the time of origin may not be: (A) An aggregation of non-block orders; (B) broken into orders smaller than Block Size prior to submitting the order to a Trading Center for execution; or (C) executed on multiple Trading Centers.

As noted above, one commenter stated that the proposed rule would prevent the facilitation of block crosses that include small orders.[94] The commenter suggested that the rule be amended to permit the aggregation of non-block orders so long as at least one component of the block itself satisfied the definition of Block Size Order. The NYSE believes that the commenter's suggestion is inconsistent with the Plan.[95]

The Commission believes that the additional criteria proposed by NYSE for the Block Size exception to the Trade-at Prohibition are consistent with the Act.[96] In the Approval Order, the Commission modified the Block Size definition for the purposes of the Plan to more closely reflect the trading characteristics of potential Pilot Securities. The Commission believes that proposed NYSE Rule 67(e)(4)(C)(iii) appropriately limits the scope and applicability of the Block Size exception, and should help to exclude trades and order handling scenarios that were not contemplated or intended to be considered for an exception for the Trade-at Prohibition.

As noted above, the Exchange proposes in NYSE Rule 67(a)(1)(D) [97] to clarify the definition of Trade-at ISOs in connection with the Trade-at Prohibition exception listed in proposed NYSE Rule 67(e)(4)(C)(ix) and (x). NYSE proposes to reflect its proposed Trade-at ISO definition in its proposed NYSE Rule 67(e)(4)(C)(ix) to reflect that orders are identified as Trade-at ISOs. The Commission believes that NYSE's proposal in its proposed Rule 67(e)(4)(C0(ix) should clarify the use of ISOs and Trade-at ISOs under the Plan and facilitate their implementation.[98]

Proposed NYSE Rule 67(e)(4)(C)(xiii) sets forth an exception to the Trade-at Prohibition for stopped orders. A stopped order is defined as an order executed by a Trading Center which, at the time of order receipt, the Trading Center had guaranteed an execution at no worse than a specified price where: (A) The stopped order was for the account of a customer; (B) the customer agreed to the specified price on an order-by-order basis; and (C) the price of the Trade-at transaction was, for a stopped buy order, equal to or less than the National Best Bid in the Pilot Security at the time of execution or, for a stopped sell order, equal to or greater than the National Best Offer in the Pilot Security at the time of execution, as long as such order is priced at an acceptable increment.

In Partial Amendment No. 1, NYSE amended the rule text of proposed NYSE Rule 67(e)(4)(C)(xiii) to clarify its operation under the Trade-at Prohibition, which would conform the NYSE rule to the previously approved FINRA and BATS Proposals.[99] The Commission finds that proposed NYSE Rule 67(e)(4)(C)(xiii), as modified by Partial Amendment No. 1, is consistent with the Act because it implements the Plan provision is a manner that clarifies its operation for these order types.[100]

In Partial Amendment No. 1, NYSE proposes an additional exception to the Trade-at Prohibition related to "bona fide errors." [101] Specifically, proposed NYSE Rule 67(e)(4)(C)(xv) would provide an exception to the Trade-at Prohibition where the order is to correct a bona fide error, which is recorded by the Trading Center in its error account. The proposed definition for a "bona fide error" is: (A) The inaccurate conveyance or execution of any term of an order including, but not limited to, price, number of shares or other unit of trading; identification of the security; identification of the account for which securities are purchased or sold; lost or otherwise misplaced order tickets; short sales that were instead sold long or vice versa; or the execution of an order on the wrong side of a market; (B) the unauthorized or unintended purchase, sale, or allocation of securities, or the failure to follow specific client instructions; (C) the incorrect entry of data into relevant systems, including reliance on incorrect cash positions, withdrawals, or securities positions reflected in an account; or (D) a delay, outage, or failure of a communication system used to transmit market data prices or to facilitate the delivery or execution of an order.[102] In order to utilize this exception to the Trade-at Prohibition, the following conditions must be met: (1) The bona fide error must be evidenced by objective facts and circumstances, the Trading Center must maintain documentation of such facts and circumstances, and the Trading Center must record the transaction in its error account; (2) the Trading Center must establish, maintain, and enforce written policies and procedures that are reasonably designed to address the occurrence of errors and, in the event of an error, the use and terms of a transaction to correct the error in compliance with this exception; and (3) the Trading Center must regularly surveil to ascertain the effectiveness of its policies and procedures to address errors and transactions to correct errors and takes prompt action to remedy deficiencies in such policies and procedures.[103]

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[92] *See* Approval Order, *supra* note 3. *See also* FINRA and BATS Approval Orders, *supra* note 6.

[93] *See* Approval Order, *supra* note 3.

[94] *See* FIF Letters I and II, *supra* note 5.

[95] *See* Response Letter, *supra* note 6.

[96] The Commission notes that the NYSE's rule is consistent with the FINRA and BATS Rules. *See* FINRA and BATS Approval Orders, *supra* note 6.

[97] *See supra* Section V.A.

[98] The Commission notes that the NYSE definition is consistent with the FINRA and BATS rules. *See* FINRA and BATS Approval Orders, *supra* note 6.

[99] *See* FINRA and BATS Approval Orders, *supra* note 6.

[100] The Commission notes that it granted NYSE an exemption from Rule 608(c) related to this provision. *See* SEC Exemption Letter, *supra* note 21.

[101] A commenter requested this particular exception to the Trade-at Prohibition. *See* FIF Letter I and FIF Letter II, *supra* note 5. The Commission notes that this commenter also suggested that there should be a print protection transaction exception to the Trade-at Prohibition that corresponds to the print protection transaction exemption that is applicable to Rule 611 of Regulation NMS. *See* FIF Letter I and FIF Letter II. As noted in the FINRA and BATS Approval Orders, the Commission does not agree that a print protection transaction exception would be consistent with the Trade-At Prohibition in the Plan. First, the print protection transaction exemption applicable to Rule 611 of Regulation NMS is inconsistent with the Trade-at Prohibition because the print protection exemption under Rule 611 of Regulation NMS explicitly contemplates protection for both displayed and reserve (undisplayed) size of orders. In this regard, the Commission believes that such an exception for the Trade-at Prohibition often will be unnecessary because a print protection transaction exception for the Trade-at Prohibition would need to be premised upon a displayed customer order, which already is excepted from the Trade-at Prohibition if it satisfies the requirements of proposed NYSE Rule 67(e)(4)(C)(i) and (ii) and the Plan. Moreover, providing a print protection transaction exemption from the Trade-At Prohibition would create the potential for trading scenarios that would result in better-priced, displayed orders being bypassed for the execution of inferior, same-priced orders. The Commission believes such a result is inconsistent with the Plan in general, and the Trade-at Prohibition in particular.

The Commission finds that the exception to the Trade-at Prohibition for the correction of bona fide errors is consistent with the Act.[104] The Commission believes that this exception should promote efficiency and the best execution of investor orders. Analogous to the Commission's order exempting such orders from Rule 611 of Regulation NMS, this exemption will allow Trading Centers to execute error correction transactions at the appropriate prices to correct bona fide errors without having to qualify for one of the exceptions to the Trade-at Prohibition.[105]

The Commission finds that the NYSE proposal to implement the Tick Size Pilot quoting and trading requirements are consistent with the Act. The proposal clarifies and implements the quoting and trading requirements set forth in the Plan.

VI. Solicitation of Comments of Partial Amendment Nos. 1 and 2

Interested persons are invited to submit written data, views, and arguments concerning Partial Amendment Nos. 1 and 2, including whether the proposed rule change, as modified by Partial Amendment Nos. 1 and 2, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2015–46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2015–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2015–46 and should be submitted on or before May 20, 2016.

VII. Accelerated Approval of Proposed Rule Change, as Modified by Partial Amendment Nos. 1 and 2

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act, to approve the proposed rule change, as modified by Partial Amendment Nos. 1 and 2, prior to the 30th day after the date of publication of Partial Amendment Nos. 1 and 2 in the **Federal Register**. Partial Amendment Nos. 1 and 2 were submitted to conform the NYSE Proposal to the previously approved FINRA and BATS Proposals. To achieve this uniformity, NYSE amends several requirements set forth in this proposed rule change. In Partial Amendment No. 1, NYSE proposes to first, add an exception to permit members to fill a customer order in a Pilot Security in Test Group Two or Three at a non-nickel increment to comply with NYSE Rule 5320 (Prohibition Against Trading Ahead of Customer Orders) under limited circumstances; second, amend the display exception of Trade-at Prohibition to allow a Trading Center who is displaying as either agent or riskless principal to execute as agent or riskless principal up to the displayed size; third, remove the explicit odd lot exception from the Trade-at Prohibition; fourth, amend the proposal to adopt an exception to the Trade-at Prohibition for certain error correction transactions; fifth, modify the stopped order exception to the Trade-at Prohibition to clarify its operation under the Plan; sixth, clarify the use of Trade-at ISOs in connection with the Trade-at Prohibition, and finally, amend the definition of a "Retail Investor Order."

NYSE believes that the change to allow members to fill a customer order at a non-nickel increment to comply with NYSE Rule 5320 under limited circumstances best facilitates the ability of members to continue to protect customer orders while retaining the flexibility to engage in proprietary trades that comply with an exception to the Plan. NYSE believes the amendment to the display exception to the Trade-at Prohibition would allow a Trading Center to execute an order at the Protected Quotation in the same capacity in which it has displayed a quotation, at a price equal to the Protected Quotation and up its displayed size would be consistent with the previously stated Commission view on the display exception.[106] NYSE believes removing its proposed odd lot exception to the Trade-at Prohibition is appropriate because it is unnecessary and that a Trading Center displaying an odd lot would be able to execute the trade based on display, price and size requirements. NYSE believes adding an exception to the Trade-at Prohibition for error correction transactions is appropriate as this exception is equally applicable to the Trade-at Prohibition as to Rule 611 of Regulation NMS, and that adopting this exception appropriately aligns the requirements of the Trade-at Prohibition with Rule 611 of Regulation NMS. Similarly, NYSE believes that amending the stopped order exception will result in more consistent treatment under Regulation NMS and the Plan. NYSE believes that amending the reference to ISOs in connection with the Trade-at Prohibition is consistent with the Act because it will better align that reference to the definition of "Trade-At Intermarket Sweep Order" as set forth in the Plan. Finally, NYSE believes the amended definition of "Retail Investor Order" clarifies that the exception should be generally applicable and not solely to the Exchange's retail liquidity program.

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[102] Absent a bona fide error as defined above, the proposed exception would not apply to a broker dealer's mere failure to execute a not-held order in accordance with a customer's expectations.

[103] *See* Partial Amendment No. 1, *supra* note 9. *See also* Securities Exchange Act Release No. 55884 (June 8, 2007), 72 FR 32926 (June 14, 2007).

[104] The Commission notes that the conditions for a bona fide error exception for the Trade-at Prohibition would be consistent with the corresponding bona fide error exemption for Rule 611 of Regulation NMS and would apply only to the error correction transaction itself and would not, for example, apply to any subsequent trades effected by a Trading Center to eliminate a proprietary position connected with the error correction transaction or a broker dealer's mere failure to execute a not-held order in accordance with a customer's expectations. *See also* Securities Exchange Act Release No. 55884 (June 8, 2007), 72 FR 32926 (June 14, 2007).

[105] The Commission notes that it has granted NYSE an exemption from Rule 608(c) related to this provision. *See* SEC Exemption Letter, *supra* note 21.

In Partial Amendment No. 2, NYSE proposes to (1) delete its proposed definition of Trading Center; (2) add a reference to independent aggregation units to its proposed NYSE Rule 67(e)(4)(C)(i) and (ii); and (3) correct a typographical error in proposed the Trade-at ISO definition located in proposed NYSE 67(a)(1)(D)(ii). NYSE believes that removing the definition of Trading Center and referring to independent trading units in proposed Rule 67(e)(4)(C)(i) and (ii) makes its rule consistent with the FINRA and BATS Proposals and further clarifies the intent of its rule and the Plan. In addition, NYSE believes that the correction of the typographical error is minor and non-substantive.

Based on the foregoing, the Commission believes that the changes in Partial Amendment Nos. 1 and 2 to: (1) Add an exception to NYSE Rule 67(d)(3)(D) and NYSE Rule 67(e)(3)(D) to permit members to fill a customer order in a Pilot Security at a non-nickel increment to comply with NYSE Rule 5320 under limited circumstances, (2) amend the NYSE Rule 67(e)(4)(C)(i) and NYSE Rule 67(e)(4)(C)(ii) relating to the display exception of the Trade-at Prohibition for a Trading Center displaying as agent or riskless principle, (3) remove the explicit odd lot exception to the Trade-at Prohibition that was previously listed as NYSE Rule 67(e)(4)(C)(i) and Supplementary Material .10, (4) add NYSE Rule 67(e)(4)(C)(xv) to create an exception to the Trade-at Prohibition for certain error correction transactions, (5) modify NYSE Rule 67(e)(4)(C)(xiii) to amend the stopped order exception to the Trade-at Prohibition, (6) add the definition of Trade-at ISO as NYSE Rule 67(a)(1)(E) to clarify the use of ISOs in connection with the Trade-at Prohibition, (7) modify the definition of Retail Investor Order contained in NYSE Rule 67(a)(1)(D) to clarify the rule's applicability, (8) delete the NYSE definition of Trading Center, (9) add references to independent trading units in proposed NYSE Rules 67(e)(4)(C)(i) and (ii), and (10) correct non substantive typographical errors are all consistent with the Act. Accordingly, the Commission finds good cause for approving the proposed rule change, as modified by Partial Amendment Nos. 1 and 2, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.

VIII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[107] that the proposed rule change, as modified by Partial Amendment Nos. 1 and 2 (SR–NYSE–2015–46) be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[108]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–09983 Filed 4–28–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32093; 812–14527]

Madison ETF Trust and Madison ETF Advisers, LLC.; Notice of Application

April 25, 2016.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

APPLICANTS: Madison ETF Trust (the "Trust") and Madison ETF Advisers, LLC (the "Initial Adviser").

SUMMARY OF APPLICATION: Applicants request an order that permits: (a) Actively-managed series of certain open-end management investment companies to issue shares ("Shares") redeemable in large aggregations only ("Creation Units"); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares; and (f) certain series to perform creations and redemptions of Creation Units in-kind in a master-feeder structure.

FILING DATES: The application was filed on August 4, 2015 and amended on December 11, 2015 and March 31, 2016.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 20, 2016, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Madison ETF Trust, Madison ETF Advisers, LLC, 1209 Orange Street, Wilmington, Delaware 19801.

FOR FURTHER INFORMATION CONTACT: Aaron T. Gilbride, Senior Counsel, at (202) 551–6906 or Sara Crovitz, Assistant Chief Counsel, at (202) 551–

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[106] *See* FINRA and BATS Approval Orders, *supra* note 6.

[107] 15 U.S.C. 78s(b)(2).

[108] 17 CFR 200.30–3(a)(12).

6862 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust will be registered as an open-end management investment company under the Act and is a statutory trust organized under the laws of Delaware. The Trust will offer a number of Funds (as defined below), each with its own distinct investment objective. Applicants expect the initial series of the Trust (the "Initial Fund") to be the Madison Active Gold Miners ETF. The Initial Fund will seek to achieve its investment objective by investing in securities issued by gold mining companies using a proprietary model that aims to outperform a benchmark index.

2. The Initial Adviser currently is the investment adviser to the Initial Fund. The Initial Fund may be advised by another Adviser in the future. The Initial Adviser or another Adviser (as defined below) will be the investment adviser for Future Funds (as defined below). The Initial Adviser is, and any other Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act"). The Adviser (as defined below) may in the future retain one or more sub-advisers (each a "Sub-Adviser") to manage the portfolios of the Funds (as defined below). Any Sub-Adviser will be registered, or not subject to registration, under the Advisers Act. The Trust will enter into a distribution agreement with one or more distributors. Each distributor will be a broker registered under the Securities Exchange Act of 1934 ("Exchange Act") and will act as distributor and principal underwriter ("Distributor") of the Funds. Applicants request that the order requested herein apply to all Distributors who comply with the terms and conditions of this application.

3. Applicants request that the order apply to the Initial Fund and any future series of the Trust as well as other open-end management companies that may utilize active management investment strategies ("Future Funds"). Any Future Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with an Initial Adviser (any Initial Adviser and each such other entity included in the term "Adviser"), and (b) comply with the terms and conditions of the application.[1] The Initial Fund and Future Funds together are the "Funds." Each Fund, or its respective Master Fund (as defined below), will consist of a portfolio of securities (including fixed income securities and/or equity securities) and/or currencies traded in the U.S. and/or non-U.S. markets, and derivatives, other assets, and other investment positions ("Portfolio Holdings").[2] Funds, or their respective Master Funds, may invest in "Depositary Receipts." [3] Each Fund will operate as an actively managed exchange-traded fund ("ETF"), and a Fund may operate as a feeder fund in a master-feeder structure ("Feeder Fund").

4. Applicants also request that any exemption under section 12(d)(1)(J) of the Act from sections 12(d)(1)(A) and (B) apply to: (i) Any Fund that is currently or subsequently part of the same "group of investment companies" as the Initial Fund within the meaning of section 12(d)(1)(G)(ii) of the Act; (ii) any principal underwriter for the Fund; (iii) any Brokers selling Shares of a Fund to an Investing Fund (as defined below); and (iv) each management investment company or unit investment trust registered under the Act that is not part of the same "group of investment companies" as the Funds within the meaning of section 12(d)(1)(G)(ii) of the Act and that enters into a FOF Participation Agreement (as defined below) with a Fund (such management investment companies, "Investing Management Companies," such unit investment trusts, "Investing Trusts," and Investing Management Companies and Investing Trusts together, "Investing Funds"). Investing Funds do not include the Funds.[4]

5. Applicants further request that the order permit a Fund to operate as a Feeder Fund ("Master-Feeder Relief"). Under the order, a Feeder Fund would be permitted to acquire shares of another registered investment company in the same group of investment companies having substantially the same investment objectives as the Feeder Fund ("Master Fund") beyond the limitations in section 12(d)(1)(A) of the Act,[5] and the Master Fund, and any principal underwriter for the Master Fund, would be permitted to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B) of the Act. Applicants request that the Master-Feeder Relief apply to any Feeder Fund, any Master Fund and any principal underwriter for the Master Funds selling shares of a Master Fund to a Feeder Fund. Applicants state that creating an exchange-traded feeder fund may be preferable to creating entirely new series for several reasons, including avoiding additional overhead costs and economies of scale for the Feeder Funds.[6] Applicants assert that, while certain costs may be higher in a master-feeder structure and there may possibly be lower tax efficiencies for the Feeder Funds, the Feeder Funds' Board will consider any such potential disadvantages against the benefits of economies of scale and other benefits of operating within a master-feeder structure.

6. Applicants anticipate that a Creation Unit will consist of at least 10,000 Shares. Applicants anticipate that the trading price of a Share will range from $10 to $100. All orders to purchase Creation Units must be placed with the Distributor by or through a party that has entered into a participant agreement with the Distributor and the transfer agent of the Fund ("Authorized Participant") with respect to the

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[1] Any Adviser to a Future Fund will be registered as an investment adviser under the Advisers Act. All entities that currently intend to rely on the order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

[2] If a Fund (or its respective Master Fund) invests in derivatives, then (a) the board of trustees ("Board") of the Fund will periodically review and approve the Fund's use of derivatives and how the Fund's (or, in the case of a Feeder Fund, its Master Fund's) investment adviser assesses and manages risk with respect to the Fund's (or, in the case of a Feeder Fund, its Master Fund's) use of derivatives and (b) the Fund's (or, in the case of a Feeder Fund, its Master Fund's) disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

[3] Depositary Receipts are typically issued by a financial institution, a "depositary", and evidence ownership in a security or pool of securities that have been deposited with the depositary. A Fund (or its respective Master Fund) will not invest in any Depositary Receipts that the Adviser or any Sub-Adviser deems to be illiquid or for which pricing information is not readily available. No affiliated persons of applicants, any Future Fund, any Adviser, or any Sub-Adviser will serve as the depositary bank for any Depositary Receipts held by a Fund, or its respective Master Fund, except a depositary bank that is deemed to be affiliated solely because a Fund owns greater than 5% of the outstanding voting securities of such depositary bank.

[4] An Investing Fund may rely on the order only to invest in Funds and not in any other registered investment company.

[5] A Feeder Fund managed in a master-feeder structure will not make direct investments in any security or other instrument other than the securities issued by its respective Master Fund.

[6] In a master-feeder structure, the Master Fund, rather than the Feeder Fund, would invest its portfolio in compliance with the order. There would be no ability by Fund shareholders to exchange shares of Feeder Funds for shares of another feeder series of the Master Fund.

creation and redemption of Creation Units. An Authorized Participant is either: (a) A Broker or other participant in the Continuous Net Settlement System of the National Securities Clearing Corporation ("NSCC"), a clearing agency registered with the Commission and affiliated with the Depository Trust Company ("DTC"), or (b) a participant in the DTC (such participant, "DTC Participant").

7. In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments ("Deposit Instruments"), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments ("Redemption Instruments").[7] On any given Business Day[8] the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or redemption, as the "Creation Basket." In addition, the Creation Basket will correspond pro rata to the positions in a Fund's portfolio (including cash positions),[9] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots;[10] or (c) TBA Transactions,[11] short positions and other positions that cannot be transferred in kind[12] will be excluded from the Creation Basket.[13] If there is a difference between NAV attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the "Cash Amount").

8. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount, as described above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC or DTC; or (ii) in the case of Funds holding non-U.S. investment ("Global Funds"), such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Global Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[14]

9. Each Business Day, before the open of trading on a national securities exchange, as defined in section 2(a)(26) of the Act ("Stock Exchange"), on which Shares are listed, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Cash Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket except to correct errors in the published Creation Basket. The Stock Exchange will disseminate every 15 seconds throughout the trading day an amount representing, on a per Share basis, the sum of the current value of the Portfolio Holdings that were publicly disclosed prior to the commencement of trading in Shares on the Stock Exchange.

10. A Fund may recoup the settlement costs charged by NSCC and DTC by imposing a transaction fee on investors purchasing or redeeming Creation Units (the "Transaction Fee").[15] The Transaction Fee will be borne only by purchasers and redeemers of Creation Units and will be limited to amounts that have been determined appropriate by the Adviser to defray the transaction expenses that will be incurred by a Fund when an investor purchases or redeems Creation Units.[16] All orders to purchase Creation Units will be placed with the Distributor by or through an Authorized Participant and the Distributor will transmit all purchase orders to the relevant Fund. The Distributor will be responsible for delivering a prospectus ("Prospectus") to those Authorized Participants purchasing Creation Units and for

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[7] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 ("Securities Act"). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

[8] Each Fund will sell and redeem Creation Units on any day the Fund is open, including as required by section 22(e) of the Act (each, a "Business Day").

[9] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's net asset value ("NAV") for that Business Day.

[10] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[11] A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price.

[12] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[13] Because these instruments will be excluded from the Creation Basket, their value will be reflected in the determination of the Cash Amount (defined below).

[14] A "custom order" is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[15] Applicants are not requesting relief from section 18 of the Act. Accordingly, a Master Fund may require a Transaction Fee payment to cover expenses related to purchases or redemptions of the Master Fund's shares by a Feeder Fund only if it requires the same payment for equivalent purchases or redemptions by any other feeder fund. Thus, for example, a Master Fund may require payment of a Transaction Fee by a Feeder Fund for transactions for 20,000 or more shares so long as it requires payment of the same Transaction Fee by all feeder funds for transactions involving 20,000 or more shares.

[16] Where a Fund permits an in-kind purchaser to deposit cash in lieu of depositing one or more Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to offset the cost to the Fund of buying those particular Deposit Instruments. In all cases, the Transaction Fee will be limited in accordance with the requirements of the Commission applicable to open-end management investment companies offering redeemable securities.

maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it.

11. Shares will be listed and traded at negotiated prices on a Stock Exchange and traded in the secondary market. Applicants expect that Stock Exchange specialists or market makers ("Market Makers") will be assigned to Shares. The price of Shares trading on the Stock Exchange will be based on a current bid/offer in the secondary market. Transactions involving the purchases and sales of Shares on the Stock Exchange will be subject to customary brokerage fees and charges.

12. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Market Makers, acting in their unique role to provide a fair and orderly secondary market for Shares, also may purchase Creation Units for use in their own market making activities.[17] Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[18] Applicants expect that arbitrage opportunities created by the ability to continually purchase or redeem Creation Units at their NAV per Share should ensure that the Shares will not trade at a material discount or premium in relation to their NAV.

13. Shares will not be individually redeemable and owners of Shares may acquire those Shares from a Fund, or tender such shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed by or through an Authorized Participant.

14. Neither the Trust nor any Fund will be marketed or otherwise held out as a "mutual fund." Instead, each Fund will be marketed as an "actively-managed exchange-traded fund." In any advertising material where features of obtaining, buying or selling Shares traded on the Stock Exchange are described there will be an appropriate statement to the effect that Shares are not individually redeemable.

15. The Funds' Web site, which will be publicly available prior to the public offering of Shares, will include a Prospectus and additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of the calculation of such NAV ("Bid/Ask Price"), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Holdings held by the Fund (or its respective Master Fund)[19] that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[20] This disclosure will look through any Wholly-Owned Subsidiary (defined below) and identify the specific Portfolio Holdings held by that entity.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an "open-end company" as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit each Fund to redeem Shares in Creation Units only.[21] Applicants state that investors may purchase Shares in Creation Units from each Fund and redeem Creation Units from each Fund. Applicants further state that because the market price of Creation Units will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on

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[17] If Shares are listed on The NASDAQ Stock Market LLC ("Nasdaq") or a similar electronic Stock Exchange (including NYSE Arca), one or more member firms of that Stock Exchange will act as Market Maker and maintain a market for Shares trading on that Stock Exchange. On Nasdaq, no particular Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq, for example, stipulate that at least two Market Makers must be registered in Shares to maintain a listing. In addition, on Nasdaq and NYSE Arca, registered Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Market Maker will be an affiliated person or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares as discussed below.

[18] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or DTC Participants.

[19] Feeder Funds will disclose information about the securities and other assets held by the Master Fund.

[20] Applicants note that under accounting procedures followed by the Funds, trades made on the prior Business Day will be booked and reflected in NAV on the current Business Day. Accordingly, each Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for its NAV calculation at the end of such Business Day.

[21] The Master Funds will not require relief from sections 2(a)(32) and 5(a)(1) because the Master Funds will issue individually redeemable securities.

NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.[22]

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers resulting from sales at different prices, and (c) assure an orderly distribution system of investment company shares by eliminating price competition from brokers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity should ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 22(e) of the Act

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that settlement of redemptions of Creation Units of Global Funds is contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles present in foreign markets in which those Funds invest. Applicants have been advised that, under certain circumstances, the delivery cycles for transferring Portfolio Holdings to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to 15 calendar days. Applicants therefore request relief from section 22(e) in order to provide payment or satisfaction of redemptions within the maximum number of calendar days required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Holdings of each Global Fund customarily clear and settle, but in all cases no later than 15 calendar days following the tender of a Creation Unit.[23]

8. Applicants state that section 22(e) was designed to prevent unreasonable, undisclosed and unforeseen delays in the actual payment of redemption proceeds. Applicants assert that the requested relief will not lead to the problems that section 22(e) was designed to prevent. Applicants state that allowing redemption payments for Creation Units of a Fund to be made within a maximum of 15 calendar days would not be inconsistent with the spirit and intent of section 22(e).[24] Applicants state each Global Fund's statement of additional information ("SAI") will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days and the maximum number of days needed to deliver the proceeds for each affected Global Fund. Applicants are not seeking relief from section 22(e) with respect to Global Funds that do not effect redemptions in-kind.[25]

Section 12(d)(1) of the Act

9. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, or any other broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request relief to permit Investing Funds to acquire Shares in excess of the limits in section 12(d)(1)(A) of the Act and to permit the Funds, their principal underwriters and any Broker to sell Shares to Investing Funds in excess of the limits in section 12(d)(l)(B) of the Act. Applicants submit that the proposed conditions to the requested relief address the concerns underlying the limits in section 12(d)(1), which include concerns about undue influence, excessive layering of fees and overly complex structures.

11. Applicants submit that their proposed conditions address any concerns regarding the potential for undue influence. To limit the control that an Investing Fund may have over a Fund, applicants propose a condition prohibiting the adviser of an Investing Management Company ("Investing Fund Adviser"), sponsor of an Investing Trust ("Sponsor"), any person controlling, controlled by, or under common control with the Investing Fund Adviser or Sponsor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Investing Fund Adviser, the Sponsor, or any person controlling, controlled by, or under common control with the Investing Fund Adviser or Sponsor ("Investing Fund's Advisory Group") from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any sub-adviser to an Investing Management Company ("Investing Fund Sub-Adviser"), any person controlling, controlled by or under common control with the Investing Fund Sub-Adviser, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Investing Fund Sub-Adviser or any person controlling,

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[22] The Master Funds will not require relief from section 22(d) or rule 22c–1 because shares of the Master Funds will not trade at negotiated prices in the secondary market.

[23] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations that it may otherwise have under rule 15c6–1 under the Exchange Act. Rule 15c6–1 requires that most securities transactions be settled within three business days of the trade date.

[24] Other feeder funds invested in any Master Fund are not seeking, and will not rely on, the section 22(e) relief requested herein.

[25] In addition, the requested exemption from section 22(e) would only apply to in-kind redemptions by the Feeder Funds and would not apply to in-kind redemptions by other feeder funds.

controlled by or under common control with the Investing Fund Sub-Adviser ("Investing Fund's Sub-Advisory Group").

12. Applicants propose a condition to ensure that no Investing Fund or Investing Fund Affiliate[26] (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate ("Affiliated Underwriting"). An "Underwriting Affiliate" is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Investing Fund Adviser, Investing Fund Sub-Adviser, employee or Sponsor of the Investing Fund, or a person of which any such officer, director, member of an advisory board, Investing Fund Adviser, Investing Fund Sub-Adviser, employee or Sponsor is an affiliated person (except any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

13. Applicants propose several conditions to address the potential for layering of fees. Applicants note that the board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not "interested persons" within the meaning of section 2(a)(19) of the Act ("disinterested directors or trustees"), will be required to find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. Applicants also state that any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[27]

14. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, other than a Wholly-Owned Subsidiary,[28] except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

15. To ensure that an Investing Fund is aware of the terms and conditions of the requested order, the Investing Funds must enter into an agreement with the respective Funds ("FOF Participation Agreement"). The FOF Participation Agreement will include an acknowledgement from the Investing Fund that it may rely on the order only to invest in a Fund and not in any other investment company.

16. Applicants also are seeking relief from Sections 12(d)(1)(A) and 12(d)(1)(B) to the extent necessary to permit the Feeder Funds to perform creations and redemptions of Shares in-kind in a master-feeder structure. Applicants assert that this structure is substantially identical to traditional master-feeder structures permitted pursuant to the exception provided in section 12(d)(1)(E) of the Act. Section 12(d)(1)(E) provides that the percentage limitations of sections 12(d)(1)(A) and (B) will not apply to a security issued by an investment company (in this case, the shares of the applicable Master Fund) if, among other things, that security is the only investment security held in the investing fund's portfolio (in this case, the Feeder Fund's portfolio). Applicants believe the proposed master-feeder structure complies with section 12(d)(1)(E) because each Feeder Fund will hold only investment securities issued by its corresponding Master Fund; however, the Feeder Funds may receive securities other than securities of its corresponding Master Fund if a Feeder Fund accepts an in-kind creation. To the extent that a Feeder Fund may be deemed to be holding both shares of the Master Fund and other securities, applicants request relief from sections 12(d)(1)(A) and (B). The Feeder Funds would operate in compliance with all other provisions of section 12(d)(1)(E).

Sections 17(a)(1) and (2) of the Act

17. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person ("second tier affiliate"), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines "affiliated person" to include any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines "control" as the power to exercise a controlling influence over the management or policies of a company and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. Each Fund may be deemed to be controlled by an Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Adviser (an "Affiliated Fund").

18. Applicants request an exemption under sections 6(c) and 17(b) of the Act from sections 17(a)(1) and 17(a)(2) of the Act to permit in-kind purchases and redemptions of Creation Units by persons that are affiliated persons or second tier affiliates of the Funds solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25% of the outstanding Shares of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25% of the Shares of one or more Affiliated Funds.[29] Applicants also request an exemption in order to permit a Fund to sell its Shares to and redeem its Shares from, and engage in the in-kind transactions that would accompany such sales and redemptions with, certain Investing Funds of which

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[26] An "Investing Fund Affiliate" is any Investing Fund Adviser, Investing Fund Sub-Adviser, Sponsor, promoter and principal underwriter of an Investing Fund, and any person controlling, controlled by or under common control with any of these entities. "Fund Affiliate" is an investment adviser, promoter, or principal underwriter of a Fund, or its respective Master Fund, and any person controlling, controlled by or under common control with any of these entities.

[27] Any reference to NASD Conduct Rule 2830 includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

[28] A Fund, or its respective Master Fund, may invest in a wholly-owned subsidiary, organized under the laws of the Cayman Islands as an exempted company or under the laws of another non-U.S. jurisdiction (each, a "Wholly-Owned Subsidiary"), in order to pursue its investment objectives and/or ensure that the Fund remains qualified as a registered investment company for U.S. federal income tax purposes. Certain Wholly-Owned Subsidiaries may be investment companies or excluded from the definition of investment company by section 3(c)(1) or 3(c)(7) of the Act. For a Fund (or its respective Master Fund) that invests in a Wholly-Owned Subsidiary, the Adviser will serve as investment adviser to both the Fund (or its respective Master Fund) and the Wholly-Owned Subsidiary. A Feeder Fund will not invest in a Wholly-Owned Subsidiary.

[29] Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person, of an Investing Fund because an investment adviser to the Funds is also an investment adviser to an Investing Fund.

the Funds are affiliated persons or second-tier affiliates.[30]

19. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. Absent the unusual circumstances discussed in the application, the Deposit Instruments and Redemption Instruments available for a Fund will be the same for all purchasers and redeemers, respectively, and will correspond *pro rata* to the Fund's Portfolio Holdings. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be the same for all purchases and redemptions. Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Holdings currently held by the relevant Funds, and the valuation of the Deposit Instruments and Redemption Instruments will be made in the same manner and on the same terms for all, regardless of the identity of the purchaser or redeemer. Applicants do not believe that in-kind purchases and redemptions will result in abusive self-dealing or overreaching of the Fund.

20. Applicants also submit that the sale of Shares to and redemption of Shares from an Investing Fund meets the standards for relief under sections 17(b) and 6(c) of the Act. Applicants note that any consideration paid for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund in accordance with policies and procedures set forth in the Fund's registration statement.[31] The FOF Participation Agreement will require any Investing Fund that purchases Creation Units directly from a Fund to represent that the purchase of Creation Units from a Fund by an Investing Fund will be accomplished in compliance with the investment restrictions of the Investing Fund and will be consistent with the investment policies set forth in the Investing Fund's registration statement. Applicants also state that the proposed transactions are consistent with the general purposes of the Act and appropriate in the public interest.

21. In addition, to the extent that a Fund operates in a master-feeder structure, applicants also request relief permitting the Feeder Funds to engage in in-kind creations and redemptions with the applicable Master Fund. Applicants state that the request for relief described above would not be sufficient to permit such transactions because the Feeder Funds and the applicable Master Fund could also be affiliated by virtue of having the same investment adviser. However, applicants believe that in-kind creations and redemptions between a Feeder Fund and a Master Fund advised by the same investment adviser do not involve "overreaching" by an affiliated person. Applicants represent that such transactions will occur only at the Feeder Fund's proportionate share of the Master Fund's net assets, and the distributed securities will be valued in the same manner as they are valued for the purposes of calculating the applicable Master Fund's NAV. Further, all such transactions will be effected with respect to predetermined securities and on the same terms with respect to all investors. Finally, such transaction would only occur as a result of, and to effectuate, a creation or redemption transaction between the Feeder Fund and a third-party investor. Applicants state that, in effect, the Feeder Fund will serve as a conduit through which creation and redemption orders by Authorized Participants will be effected.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. ETF Relief

1. As long as a Fund operates in reliance on the requested order, the Shares of the Fund will be listed on a Stock Exchange.

2. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

3. The Web site for the Funds, which is and will be publicly accessible at no charge, will contain, on a per Share basis, for each Fund the prior Business Day's NAV and the market closing price or Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

4. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Holdings held by the Fund (or its respective Master Fund) that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

5. The Adviser or any Sub-Adviser, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for the Fund, or its respective Master Fund, through a transaction in which the Fund, or its respective Master Fund, could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively-managed ETFs, other than the Master-Feeder Relief.

B. Section 12(d)(1) Relief

1. The members of the Investing Fund's Advisory Group will not control (individually or in the aggregate) a Fund (or its respective Master Fund) within the meaning of section 2(a)(9) of the Act. The members of the Investing Fund's Sub-Advisory Group will not control (individually or in the aggregate) a Fund (or its respective Master Fund) within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Investing Fund's Advisory Group or the Investing Fund's Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Investing Fund's Sub-Advisory Group with respect to a Fund (or its respective Master Fund) for which the Investing Fund Sub-Adviser or a person controlling, controlled by or under common control with the Investing Fund Sub-Adviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Investing Fund or Investing Fund Affiliate will cause any existing or potential investment by the Investing

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[30] To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Investing Fund and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to an Investing Fund and redemptions of those Shares. The requested relief is also intended to cover the in-kind transactions that may accompany such sales and redemptions.

[31] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of an Investing Fund, or an affiliated person of such person, for the purchase by the Investing Fund of Shares of the Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Investing Fund, may be prohibited by section 17(e)(1) of the Act. The FOF Participation Agreement also will include this acknowledgment.

Fund in a Fund to influence the terms of any services or transactions between the Investing Fund or an Investing Fund Affiliate and the Fund (or its respective Master Fund) or a Fund Affiliate.

3. The board of directors or trustees of an Investing Management Company, including a majority of the independent directors or trustees, will adopt procedures reasonably designed to ensure that the Investing Fund Adviser and any Investing Fund Sub-Adviser are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or an Investing Fund Affiliate from a Fund (or its respective Master Fund) or a Fund Affiliate in connection with any services or transactions.

4. Once an investment by an Investing Fund in the Shares of a Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the Board of a Fund (or its respective Master Fund), including a majority of the independent directors or trustees, will determine that any consideration paid by the Fund (or its respective Master Fund) to the Investing Fund or an Investing Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund (or its respective Master Fund); (ii) is within the range of consideration that the Fund (or its respective Master Fund) would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund (or its respective Master Fund) and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

5. The Investing Fund Adviser, or Trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Investing Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund (or its respective Master Fund) under rule 12b–1 under the Act) received from a Fund (or its respective Master Fund) by the Investing Fund Adviser, or Trustee or Sponsor, or an affiliated person of the Investing Fund Adviser, or Trustee or Sponsor, other than any advisory fees paid to the Investing Fund Adviser, or Trustee, or Sponsor, or its affiliated person by the Fund (or its respective Master Fund), in connection with the investment by the Investing Fund in the Fund. Any Investing Fund Sub-Adviser will waive fees otherwise payable to the Investing Fund Sub-Adviser, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund (or its respective Master Fund) by the Investing Fund Sub-Adviser, or an affiliated person of the Investing Fund Sub-Adviser, other than any advisory fees paid to the Investing Fund Sub-Adviser or its affiliated person by the Fund (or its respective Master Fund), in connection with the investment by the Investing Management Company in the Fund made at the direction of the Investing Fund Sub-Adviser. In the event that the Investing Fund Sub-Adviser waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Investing Fund or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund (or its respective Master Fund)) will cause a Fund (or its respective Master Fund) to purchase a security in an Affiliated Underwriting.

7. The Board of a Fund (or its respective Master Fund), including a majority of the independent directors or trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund (or its respective Master Fund) in an Affiliated Underwriting, once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Investing Fund in the Fund. The Board will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund (or its respective Master Fund); (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund (or its respective Master Fund) in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund (or its respective Master Fund) will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limits in section 12(d)(1)(A), an Investing Fund will execute a FOF Participation Agreement with the Fund stating that their respective boards of directors or trustees and their investment advisers, or Trustee and Sponsor, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Investing Fund will notify the Fund of the investment. At such time, the Investing Fund will also transmit to the Fund a list of the names of each Investing Fund Affiliate and Underwriting Affiliate. The Investing Fund will notify the Fund of any changes to the list as soon as reasonably practicable after a change occurs. The Fund and the Investing Fund will maintain and preserve a copy of the order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company, including a majority of the independent directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any

Fund (or its respective Master Fund) in which the Investing Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund (or its respective Master Fund) will acquire securities of any investment company or company relying on Section 3(c)(1) or 3(c)(7) of the 1940 Act in excess of the limits contained in Section 12(d)(1)(A) of the 1940 Act, except to the extent (i) permitted by exemptive relief from the Commission permitting the Fund (or its respective Master Fund) to purchase shares of other investment companies for short-term cash management purposes, (ii) the Fund acquires securities of the Master Fund pursuant to the Master-Feeder Relief or (iii) the Fund invests in a Wholly-Owned Subsidiary that is a wholly-owned and controlled subsidiary of the Fund (or its respective Master Fund) as described in the Application. Further, no Wholly-Owned Subsidiary will acquire securities of any other investment company or company relying on Section 3(c)(1) or 3(c)(7) of the Act other than money market funds that comply with Rule 2a–7 for short-term cash management purposes.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–10019 Filed 4–28–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32095; 813–00384]

AllianceBernstein L.P. and AllianceBernstein U.S. Real Estate (Employee) Fund II, L.P.; Notice of Application

April 25, 2016.

AGENCY: Securities and Exchange Commission (“Commission”).

ACTION: Notice of application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (the “Act”) granting an exemption from all provisions of the Act and the rules and regulations thereunder, except sections 9, 17, 30, and 36 through 53 of the Act, and the rules and regulations thereunder (the “Rules and Regulations”). With respect to sections 17(a), (d), (f), (g) and (j) and 30(a), (b), (e), and (h) of the Act, and the Rules and Regulations, and rule 38a–1 under the Act, the exemption is limited as set forth in the application.

SUMMARY OF APPLICATION: Applicants request an order to exempt certain limited partnerships, limited liability companies, business trusts or other entities (“Funds”) formed for the benefit of eligible employees of AllianceBernstein L.P. (the “Company”) and its affiliates from certain provisions of the Act. Each series of a Fund will be an “employees’ securities company” within the meaning of section 2(a)(13) of the Act.

APPLICANTS: The Company and AllianceBernstein U.S. Real Estate (Employee) Fund II, L.P.

FILING DATES: The application was filed on April 20, 2015 and was amended on January 28, 2016.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission’s Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 20, 2016, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer’s interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: 1345 Avenue of the Americas, New York, New York 10105.

FOR FURTHER INFORMATION CONTACT: Kyle R. Ahlgren, Senior Counsel, at (202) 551–6857, or Holly L. Hunter-Ceci, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission’s Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants’ Representations

1. The Company is a Delaware limited partnership, and together with its “affiliates,” as defined in rule 12b–2 under the Securities Exchange Act of 1934 (the “Exchange Act”) (collectively, “AB,” and each, an “AB Entity”), have organized AllianceBernstein U.S. Real Estate (Employee) Fund II, L.P., a Delaware limited partnership (the “Initial Partnership”) and will in the future organize limited partnerships, limited liability companies, business trusts or other entities (each a “Future Fund” and, collectively with the Initial Partnership, the “Funds”) as “employees’ securities companies,” as defined in section 2(a)(13) of the Act. The Funds are intended to provide investment opportunities that are competitive with those at other investment management and financial services firms and to facilitate the recruitment and retention of high caliber professionals.

2. The Initial Partnership was formed on April 4, 2014 as a Delaware limited partnership. AllianceBernstein U.S. Real Estate Partners II G.P. L.P. acts as general partner to the Initial Partnership. AB serves as investment adviser to the Initial Partnership. The Initial Partnership invests all or substantially all of its assets in AllianceBernstein U.S. Real Estate Partners II L.P. (“AB REP II”). ABREP II’s investment objective is to provide attractive risk-adjusted returns by making and managing investments in real estate and real estate securities and businesses.

3. A Future Fund may be structured as a domestic or offshore limited or general partnership, limited liability company, corporation, business trust or other entity. AB may also form parallel funds organized under the laws of various jurisdictions in order to create the same investment opportunities for Eligible Employees (defined below) in other jurisdictions. Interests in a Fund may be issued in one or more series, each of which corresponds to particular Fund investments (each, a “Series”). Each Series will be an “employees’ securities company” within the meaning of section 2(a)(13) of the Act. Each Fund will operate as a closed-end or open-end management investment company, and a particular Fund may operate as a “diversified” or “non-diversified” vehicle within the meaning of the Act.

4. AB will control each Fund within the meaning of section 2(a)(9) of the Act. Each Fund has, or will have, a general partner, managing member or other such similar entity that manages, operates

and controls such Fund (a "General Partner"). The General Partner will be responsible for the overall management of each Fund, and may appoint an AB Entity to serve as investment adviser ("Investment Adviser") to a Fund and delegate to the Investment Adviser the authority to make all decisions regarding the acquisition, management and disposition of Fund investments.

5. Each of the General Partner and the Investment Adviser is an investment adviser within the meaning of section 9 and 36 of the Act and is subject to those sections. The General Partner or Investment Adviser may receive a performance-based fee or allocation (a "Carried Interest") based on the net gains of the Fund's investments in addition to any amount allocable to the General Partner's or Investment Adviser's capital contribution.[1]

6. If the General Partner elects to recommend that a Fund enter into any side-by-side investment with an unaffiliated entity, the General Partner will be permitted to engage as sub-investment adviser the unaffiliated entity (an "Unaffiliated Subadviser"), which will be responsible for the management of such side-by-side investment.

7. Interests in the Funds will be offered in a transaction exempt from registration under section 4(a)(2) of the Securities Act of 1933, as amended (the "1933 Act"), or Regulation D or Regulation S promulgated thereunder, and will be sold only to Qualified Participants, which term refers to: (i) Eligible Employees (as defined below); (ii) Eligible Family Members (as defined below); (iii) Eligible Investment Vehicles (as defined below); and (iv) AB. Prior to offering interests in a Fund to a Qualified Participant, AB must reasonably believe that the Eligible Employee or Eligible Family Member will be capable of understanding and evaluating the merits and risks of participation in a Fund and that each such individual is able to bear the economic risk of such participation and afford a complete loss of his or her investments in the Fund.

8. The term "Eligible Employees" is defined as current or former employees, officers and directors of AB (including people in administration, marketing and operations) and current consultants engaged on retainer to provide services and professional expertise on an ongoing basis as regular consultants or business or legal advisors to AB and who share a community of interest with AB and AB's employees ("Consultants").[2] The term "Eligible Family Members" is defined as spouses, parents, children, spouses of children, brothers, sisters and grandchildren of Eligible Employees, including step and adoptive relationships.[3] The term "Eligible Investment Vehicles" is defined as: (i) A trust of which a trustee, grantor and/or beneficiary is an Eligible Employee;[4] (ii) a partnership, corporation, or other entity controlled by an Eligible Employee; or (iii) a trust or other entity established solely for the benefit of Eligible Employees and/or Eligible Family Members. Each Eligible Employee and Eligible Family Member will be an Accredited Investor under rule 501(a)(5) or rule 501(a)(6) of Regulation D under the 1933 Act, except that a minimum of 35 Eligible Employees who are sophisticated investors but who are not Accredited Investors may become investors in a Fund if each of them falls into one of the following categories: (i) An Eligible Employee who (a) has a graduate degree in business, law or accounting, (b) has a minimum of five years of consulting, investment management, investment banking, legal or similar business experience, and (c) had reportable income from all sources (including any profit shares or bonus) of $100,000 in each of the two most recent years immediately preceding the Eligible Employee's admission as an investor of the Fund and has a reasonable expectation of income from all sources of at least $140,000 in each year in which the Eligible Employee will be committed to make investments in the Fund;[5] or (ii) Eligible Employees who are "knowledgeable employees" as defined in rule 3c–5 under the Act, of the Fund (with the Fund treated as though it were a "covered company" for purpose of the rule).

9. A Qualified Participant may purchase an interest through an Eligible Investment Vehicle only if either (i) the investment vehicle is an accredited investor, as defined in rule 501(a) of Regulation D under the 1933 Act or (ii) the Eligible Employee is a settlor[6] and principal investment decision-maker with respect to the investment vehicle. Eligible Investment Vehicles that are not Accredited Investors will be counted in accordance with Regulation D toward the 35 non-Accredited Investor limit discussed above.

10. The terms of each Fund will be fully disclosed to each Qualified Participant (or person making the investment on behalf of the Qualified Participant) at the time the Qualified Participant is invited to participate in the Fund. The Fund will send its investors an annual financial statement with respect to those investments in which the investor had an interest within 120 days after the end of each fiscal year of the Fund, or as soon as practicable after the end of the Fund's fiscal year. The financial statement will

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[1] If a General Partner or Investment Adviser is registered under the Investment Advisers Act of 1940 ("Advisers Act"), the Carried Interest payable to it by a Fund will be pursuant to an arrangement that complies with rule 205–3 under the Advisers Act. All or a portion of the Carried Interest may be paid to individuals who are officers, employees or stockholders of the Investment Adviser or its affiliates. If the General Partner or Investment Adviser is not required to register under the Advisers Act, the Carried Interest payable to it will comply with section 205(b)(3) of the Advisers Act (with such Fund treated as though it were a business development company solely for the purpose of that section).

[2] In order to participate in the Funds, Consultants must be currently engaged by AB and will be required to be sophisticated investors who qualify as accredited investors ("Accredited Investors") under rule 501(a) of Regulation D. If a Consultant is an entity (such as, for example, a law firm or consulting firm), and the Consultant proposes to invest in the Fund through a partnership, corporation or other entity that is controlled by the Consultant, the individual participants in such partnership, corporation or other entity will be limited to senior level employees, members or partners of the Consultant who are responsible for the activities of the Consultant or the activities of the Consultant in relation to AB and will be required to qualify as Accredited Investors. In addition, such entities will be limited to businesses controlled by individuals who have levels of expertise and sophistication in the area of investments in securities that are comparable to other Eligible Employees who are employees, officers or directors of AB and who have an interest in maintaining an ongoing relationship with AB. The individuals participating through such entities will belong to that class of persons who will have access to the directors and officers of the General Partner and its affiliates and/or the officers of AB responsible for making investments for the Funds similar to the access afforded other Eligible Employees who are employees, officers or directors of AB.

[3] In order to ensure that a close nexus between the Qualified Participants and AB is maintained, the terms of each governing document for a Fund will provide that any Eligible Family Member participating in such Fund (either through direct beneficial ownership of an interest or as an indirect beneficial owner through an Eligible Investment Vehicle) cannot, in any event, be more than two generations removed from an Eligible Employee.

[4] The inclusion of partnerships, corporations, or other entities controlled by an Eligible Employee in the definition of "Eligible Investment Vehicle" is intended to enable Eligible Employees to make investments in the Funds through personal investment vehicles for the purpose of personal and family investment and estate planning objectives.

[5] An Eligible Employee described in this category (i) will only be permitted to invest in a Fund if such individual represents and warrants that he or she will not commit in any year more than 10% of his or her income from all sources for the immediately preceding year, in the aggregate, in a Fund and in all other Funds in which that investor has previously invested.

[6] If such investment vehicle is an entity other than a trust, the term "settlor" will be read to mean a person who created such vehicle, alone or together with other eligible individuals, and contributed funds to such vehicle.

be audited[7] by independent certified public accountants. In addition, as soon as practicable after the end of each calendar year, a report will be sent to each investor setting forth the information with respect such investor's share of income, gains, losses, credits, and other items for U.S. federal and state income tax purposes resulting from the operation of the Fund during that year.

11. Interests in a Fund will not be transferable except with the express consent of the General Partner, and then only to a Qualified Participant. No sales load or similar fee of any kind will be charged in connection with the sale of interests in a Future Fund.

12. A General Partner may have the right, but not the obligation, to repurchase, cancel or transfer to another Qualified Participant the interest of (i) an Eligible Employee who ceases to be an employee, officer, director or current consultant of any AB Entity for any reason or (ii) any Eligible Family Member of any person described in clause (i). The governing documents for each Fund will describe, if applicable, the amount that an investor would receive upon repurchase, cancellation or forfeiture of its interest. The investor will, at a minimum, be paid the lesser of (i) the amount actually paid by or on behalf of the investor to acquire the interest (plus interest, as reasonably determined by the General Partner) less any amounts paid to the investor in distributions, and (ii) the fair value, determined at the time of repurchase in good faith by the General Partner, of such interest.

13. A Future Fund may invest in one or more pooled investment vehicles (including private funds relying on sections 3(c)(1) and 3(c)(7) under the Act and funds relying on section 3(c)(5) under the Act) and investments in registered investment companies sponsored by AB or by third parties (each, an "Underlying Fund").[8] One Fund may also invest in another Fund in a "master-feeder" or similar structure. A Fund may also be operated as a parallel fund making investments on a side-by-side basis with AB entities.

14. A Fund may co-invest in a portfolio company (or a pooled investment vehicle) with an AB Entity or with an investment fund or separate account organized primarily for the benefit of investors who are not affiliated with AB ("Third Party Investors") over which an AB Entity exercises investment discretion or which is sponsored by an AB Entity (an "AB Third Party Fund"). Co-investments with an AB Entity or with an AB Third Party Fund in a transaction in which AB's investment was made pursuant to a contractual obligation to an AB Third Party Fund will not be subject to Condition 3 below. All other side-by-side investments held by AB entities will be subject to Condition 3.

15. If AB makes loans to a Fund, the lender will be entitled to receive interest, provided that the interest rate will be no less favorable to the borrower than the rate obtainable on an arm's length basis. The possibility of any such borrowings, as well as the terms thereof, would be disclosed to Qualified Participants prior to their investment in a Fund. Any indebtedness of the Fund will be the debt of the Fund and without recourse to the the investors. A Fund will not borrow from any person if the borrowing would cause any person not named in section 2(a)(13) of the Act to own securities of the Fund (other than short-term paper). A Fund will not lend any funds to an AB Entity.

16. A Fund will not acquire any security issued by a registered investment company if immediately after such acquisition such Fund will own more than 3% of the outstanding voting stock of the registered investment company.

Applicants' Legal Analysis

1. Section 6(b) of the Act provides that the Commission shall exempt employees' securities companies from the provisions of the Act if and to the extent that such exemption is consistent with the protection of investors. Section 6(b) provides that the Commission will consider, in determining the provisions of the Act from which the company should be exempt, the company's form of organization and capital structure, the persons owning and controlling its securities, the price of the company's securities and the amount of any sales load, how the company's funds are invested, and the relationship between the company and the issuers of the securities in which it invests. Section 2(a)(13) defines an employees' securities company, in relevant part, as any investment company all of whose securities (other than short-term paper) are beneficially owned (a) by current or former employees, or persons on retainer, of one or more affiliated employers, (b) by immediate family members of such persons, or (c) by such employer or employers together with any of the persons in (a) or (b).

2. Section 7 of the Act generally prohibits investment companies that are not registered under section 8 of the Act from selling or redeeming their securities. Section 6(e) of the Act provides that in connection with any order exempting an investment company from any provision of section 7, certain specified provisions of the Act shall be applicable to such company, and to other persons in their transactions and relations with such company, as though such company were registered under the Act, if the Commission deems it necessary and appropriate in the public interest or for the protection of investors. Applicants submit that it would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to issue an order under sections 6(b) and 6(e) of the Act exempting the Funds from all provisions of the Act and the rules and regulations thereunder, except sections 9, 17, 30, and 36 through 53 of the Act, and the Rules and Regulations. With respect to sections 17(a), (d), (f), (g) and (j) and 30(a), (b), (e), and (h) of the Act, and the Rules and Regulations, and rule 38a–1 under the Act, Applicants request a limited exemption as set forth in the application.

3. Section 17(a) of the Act generally prohibits any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from knowingly selling or purchasing any security or other property to or from the investment company. Applicants request an exemption from section 17(a) to the extent necessary to (a) permit an AB Entity or an AB Third Party Fund (or any affiliated person of such AB Entity or AB Third Party Fund), or any affiliated person of a Fund (or affiliated persons of such persons), acting as principal, to engage in any transaction directly or indirectly with any Fund or any company controlled by such Fund; and (b) to permit a Fund to invest or engage in any transaction with any AB Entity, acting as principal, (i) in which such Fund, any company controlled by such Fund or any AB Entity or any AB Third Party Fund has invested or will invest, or (ii) with which such Fund, any company controlled by such Fund or any AB Entity or AB Third Party Fund is or will become otherwise affiliated; and (c) permit a Third Party Investor, acting as a principal, to engage in any transaction directly or indirectly with a Fund or any company controlled

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[7] "Audit" has the meaning defined in rule 1–02(d) of Regulation S–X.

[8] Applicants are not requesting any exemption from any provision of the Act or any rule thereunder that may govern a Fund's eligibility to invest in an Underlying Fund relying on section 3(c)(1) or 3(c)(7) of the Act or an Underlying Fund's status under the Act.

by such Fund. The transactions to which any Fund is a party will be effected only after a determination by the General Partner that the requirements of Conditions 1, 2 and 6 (set forth below) have been satisfied. Applicants, on behalf of the Funds, represent that any transactions otherwise subject to section 17(a) of the Act, for which exemptive relief has not been requested, would require approval of the Commission.

4. Applicants submit that an exemption from section 17(a) is consistent with the policy of each Fund and the protection of investors. Applicants state that the investors in each Fund will have been fully informed of the possible extent of such Fund's dealings with AB and of the potential conflicts of interest that may exist. Applicants also state that, as professionals employed in the investment management and securities businesses, or in administrative, financial, accounting, legal, sales, marketing, risk management or operational activities related thereto, the investors will be able to understand and evaluate the attendant risks. Applicants assert that the community of interest among the investors in each Fund, on the one hand, and AB, on the other hand, is the best insurance against any risk of abuse. Applicants acknowledge that the requested relief will not extend to any transactions between a Fund and an Unaffiliated Subadviser or an affiliated person of the Unaffiliated Subadviser, or between a Fund and any person who is not an employee, officer or director of AB or is an entity outside of AB and is an affiliated person of the Fund as defined in section 2(a)(3)(E) of the Act ("Advisory Person") or any affiliated person of such person.

5. Section 17(d) of the Act and rule 17d–1 under the Act prohibit any affiliated person or principal underwriter of a registered investment company, or any affiliated person of such a person or principal underwriter, acting as principal, from participating in any joint arrangement with the company unless authorized by the Commission. Applicants request an exemption from section 17(d) and rule 17d–1 to the extent necessary to permit affiliated persons of each Fund, or affiliated persons of any of such persons, to participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which such Fund or a company controlled by such Fund is a participant. The exemption would permit, among other things, co-investments by each Fund, AB Third Party Fund and individual members or employees, officers, directors or consultants of AB making their own individual investment decisions apart from AB. Applicants acknowledge that the requested relief will not extend to any transaction in which an Unaffiliated Subadviser or an Advisory Person or an affiliated person of either has an interest.

6. Applicants assert that compliance with section 17(d) would prevent each Fund from achieving a principal purpose, which is to provide a vehicle for Eligible Employees (and other permitted investors) to co-invest with AB or, to the extent permitted by the terms of the Fund, with other employees, officers, directors or consultants of AB or AB entities or with an AB Third Party Fund. Applicants further contend that compliance with section 17(d) would cause a Fund to forego investment opportunities simply because an investor is such Fund or other affiliated person of such Fund also had, or contemplated making, a similar investment. Applicants submit that it is likely that suitable investments will be brought to the attention of a Fund because of its affiliation with AB's large capital resources and investment management experience, and that attractive investment opportunities of the types considered by a Fund often require each participant in the transaction to make funds available in an amount that may be substantially greater than those the Fund would independently be able to provide. Applicants contend that, as a result, a Fund's access to such opportunities may have to be through co-investment with other persons, including its affiliates. Applicants assert that the flexibility to structure co-investments and joint investments will not involve abuses of the type section 17(d) and rule 17d–1 were designed to prevent. In addition, Applicants represent that any transactions otherwise subject to section 17(d) of the Act and rule 17d–1 thereunder, for which exemptive relief has not been requested, would require approval by the Commission.

7. Co-investments with an AB Entity or with an AB Third Party Fund in a transaction in which AB's investment was made pursuant to a contractual obligation to an AB Third Party Fund will not be subject to Condition 3 below. Applicants believe that the interests of the Eligible Employees participating in a Fund will be adequately protected in such situations because AB is likely to invest a portion of its own capital in AB Third Party Fund investments, either through such AB Third Party Fund or on a side-by-side basis (which AB investments will be subject to substantially the same terms as those applicable to such AB Third Party Fund, except as otherwise disclosed in the governing documents of the relevant Fund). Applicants assert that if Condition 3 were to apply to AB's investment in these situations, the AB Third Party Fund would be indirectly burdened. Applicants further assert that the relationship of a Fund to an AB Third Party Fund is fundamentally different from such Fund's relationship to AB. Applicants contend that the focus of, and the rationale for, the protections contained in the requested relief are to protect the Funds from any overreaching by AB in the employer/employee context, whereas the same concerns are not present with respect to the Funds vis-à-vis the investors in an AB Third Party Fund.

8. Section 17(e) of the Act and rule 17e–1 thereunder limit the compensation an affiliated person may receive when acting as agent or broker for a registered investment company. Applicants request an exemption from section 17(e) to permit an AB Entity (including the General Partner) that acts as an agent or broker to receive placement fees, advisory fees, or other compensation from a Fund in connection with the purchase or sale by the Fund of securities, provided that the fees or other compensation are deemed "usual and customary." Applicants state that for purposes of the application, fees or other compensation that are charged or received by an AB Entity will be deemed to be "usual and customary" only if (i) the Fund is purchasing or selling securities alongside other unaffiliated third parties, AB Third Party Funds or Third Party Investors who are also similarly purchasing or selling securities, (ii) the fees or other compensation being charged to the Fund are also being charged to the unaffiliated third parties, AB Third Party Funds or Third Party Investors, and (iii) the amount of securities being purchased or sold by the Fund does not exceed 50% of the total amount of securities being purchased or sold by the Fund and the unaffiliated third parties, AB Third Party Funds or Third Party Investors. Applicants state that compliance with section 17(e) would prevent a Fund from participating in a transaction in which AB, for other business reasons, does not wish to appear as if the Fund is being treated in a more favorable manner (by being charged lower fees) than other third parties also participating in the transaction. Applicants assert that the concerns of overreaching and abuse that section 17(e) and rule 17e–1 were

designed to prevent are alleviated by the conditions that ensure that (i) the fees or other compensation paid by a Fund to an AB Entity are those negotiated at arm's length with unaffiliated third parties and (ii) the unaffiliated third parties have as great or greater interest as the Fund in the transactions as a whole.

9. Rule 17e–1(b) under the Act requires that a majority of directors who are not "interested persons" (as defined in section 2(a)(19) of the Act) take actions and make approvals regarding commissions, fees, or other remuneration. Rule 17e–1(c) under the Act requires each Fund to comply with the fund governance standards defined in rule 0–1(a)(7) under the Act. Applicants request an exemption from rule 17e–1(b) to the extent necessary to permit each Fund to comply with rule 17e–1(b) without the necessity of having a majority of the directors of the Fund who are not "interested persons" take such actions and make such approvals as are set forth in rule 17(e)–1(b). Applicants note that in the event that all the directors of the General Partner or other governing body of the General Partner will be affiliated persons, a Fund could not comply with rule 17(e)–1(b) without the relief requested. Applicants represent that in such an event, the Fund will comply with rule 17e–1(b) by having a majority of the directors (or members of a comparable body) of the Fund or its General Partner take such actions and make such approvals as are set forth in rule 17e–1(b), and that each Fund will otherwise comply with all other requirements of rule 17e–1(b). Applicants further request an exemption from rule 17(e)–1(c) to the extent necessary to permit each Fund to comply with rule 17e–1 without the necessity of having a majority of the directors of the Fund be "disinterested persons" as set forth in rule 17e–1(c). Applicants note that in the event that all the directors of the General Partner or other governing body of the General Partner will be affiliated persons, a Fund could not comply with rule 17e–1 without the relief requested. Applicants represent that each Fund will otherwise comply with all other requirements of rule 17e–1(c).

10. Section 17(f) of the Act provides that the securities and similar investments of a registered management investment company must be placed in the custody of a bank, a member of a national securities exchange or the company itself in accordance with Commission rules. Rule 17f–2 under the Act specifies the requirements that must be satisfied for a registered management investment company to act as a custodian of its own investments. Applicants request relief from section 17(f) and rule 17f–2 to permit the following exceptions from the requirements of rule 17f–2: (a) A Fund's investments may be kept in the locked files of the General Partner or the Investment Adviser for purposes of paragraph (b) of the rule; (b) for purposes of paragraph (d) of the rule, (i) employees of AB or its affiliates (including the General Partner) will be deemed to be employees of the Funds, (ii) officers or managers of the General Partner or a Fund will be deemed to be officers of the Fund and (iii) the General Partner of a Fund or its board of directors will be deemed to be the board of directors of the Fund; and (c) in place of the verification procedure under rule 17f–2(f), verification will be effected quarterly by two employees of the General Partner who are also employees of AB responsible for the administrative, legal and/or compliance functions for funds managed or sponsored by AB and who have specific knowledge of custody requirements, policies and procedures of the Funds. Applicants expect that, with respect to certain Funds, many of their investments will be evidenced only by partnership agreements, participation agreements or similar documents, rather than by negotiable certificates that could be misappropriated. Applicants assert that for such a Fund, these instruments are most suitably kept in the files of the General Partner or its Investment Adviser, where they can be referred to as necessary. Applicants represent that they will comply with all other provisions of rule 17f–2, including the recordkeeping requirements of paragraph (e).

11. Section 17(g) of the Act and rule 17g–1 thereunder generally require the bonding of officers and employees of a registered investment company who have access to its securities or funds. Rule 17g–1 requires that a majority of directors who are not "interested persons" of a registered investment company take certain actions and give certain approvals relating to fidelity bonding. Among other things, the rule also requires that the board of directors of an investment company relying on the rule satisfy the fund governance standards defined in rule 0–1(a)(7). Applicants request an exemption from rule 17g–1 to the extent necessary to permit a Fund to comply with rule 17g–1 by having the General Partner of the Fund take such actions and make such approvals as are set forth in rule 17g–1. Applicants state that in the event all the directors of the General Partner or other governing body of the General Partner will be affiliated persons, a Fund could not comply with rule 17g–1 without the requested relief. Applicants also request an exemption from the requirements of rule 17g–1(g) and (h) relating to the filing of copies of fidelity bonds and related information with the Commission and the provision of notices to the board of directors and from the requirements of rule 17g–1(j)(3). Applicants contend that the filing requirements are burdensome and unnecessary as applied to the Funds and represent that the General Partner of each Fund will designate a person to maintain the records otherwise required to be filed with the Commission under rule 17g–1(g). Applicants further contend that the notices otherwise required to be given to the board of directors will be unnecessary as the Funds will not have boards of directors. Applicants represent that each Fund will comply with all other requirements of rule 17g–1.

12. Section 17(j) of the Act and paragraph (b) of rule 17j–1 under the Act make it unlawful for certain enumerated persons to engage in fraudulent or deceptive practices in connection with the purchase or sale of a security held or to be acquired by a registered investment company. Rule 17j–1 also requires that every registered investment company adopt a written code of ethics and that every access person of a registered investment company report personal securities transactions. Applicants request an exemption from section 17(j) and the provisions of rule 17j–1 (except for the anti-fraud provisions of rule 17j–1(b)) because they assert that these requirements are burdensome and unnecessary as applied to the Funds. The relief requested will extend only to entities within AB and is not requested with respect to any Unaffiliated Subadviser or Advisory Person.

13. Sections 30(a), (b) and (e) of the Act and the rules thereunder generally require that registered investment companies prepare and file with the Commission and mail to their shareholders certain periodic reports and financial statements. Applicants contend that the forms prescribed by the Commission for periodic reports have little relevance to a Fund and would entail administrative and legal costs that outweigh any benefit to the investors in such Fund. Applicants request relief under sections 30(a), (b) and (e) to the extent necessary to permit each Fund to report annually to its investors in the manner described in the application. Section 30(h) of the Act requires that every officer, director, member of an

advisory board, investment adviser or affiliated person of an investment adviser of a closed-end investment company be subject to the same duties and liabilities as those imposed upon similar classes of persons under section 16(a) of the Exchange Act. Applicants request an exemption from section 30(h) of the Act to the extent necessary to exempt the General Partner of each Fund, directors and officers of the General Partner and any other persons who may be deemed members of an advisory board or investment adviser (and affiliated persons thereof) of such Fund from filing Forms 3, 4, and 5 under section 16(a) of the Exchange Act with respect to their ownership of interests in such Fund under section 16 of the Exchange Act. Applicants assert that, because there will be no trading market and the transfers of interests are severely restricted, these filings are unnecessary for the protection of investors and burdensome to those required to make them.

14. Rule 38a–1 requires registered investment companies to adopt, implement and periodically review written policies reasonably designed to prevent violation of the federal securities laws and to appoint a chief compliance officer. Each Fund will comply will rule 38a–1(a), (c) and (d), except that: (i) To the extent the Fund does not have a board of directors, the board of directors of the General Partner or other governing body of the General Partner will fulfill the responsibilities assigned to the Fund's board of directors under the rule; (ii) to the extent the board of directors or other governing body of the General Partner does not have any disinterested members, approval by a majority of the disinterested board members required by rule 38a–1 will not be obtained; and (iii) to the extent the board of directors or other governing body of the General Partner does not have any independent members, the Funds will comply with the requirement in rule 38a–1(a)(4)(iv) that the chief compliance officer meet with the independent directors by having the chief compliance officer meet with the board of directors or other governing body of the General Partner as constituted. Applicants represent that each Fund has adopted written policies and procedures reasonably designed to prevent violations of the terms and conditions of the application, has appointed a chief compliance officer and is otherwise in compliance with the terms and conditions of the application.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each proposed transaction otherwise prohibited by section 17(a) or section 17(d) of the Act and rule 17d–1 thereunder to which a Fund is a party (the "Section 17 Transactions") will be effected only if the General Partner determines that: (a) The terms of the Section 17 Transaction, including the consideration to be paid or received, are fair and reasonable to the Fund and the investors and do not involve overreaching of such Fund or its investors on the part of any person concerned; and (b) the Section 17 Transaction is consistent with the interests of the Fund and the investors, such Fund's organizational documents and such Fund's reports to its investors.

In addition, the General Partner will record and preserve a description of all Section 17 Transactions, the General Partner's findings, the information or materials upon which the findings are based and the basis for such findings. All such records will be maintained for the life of the Fund and at least six years thereafter, and will be subject to examination by the Commission and its staff.[9]

2. The General Partner will adopt, and periodically review and update, procedures designed to ensure that reasonable inquiry is made, prior to the consummation of any Section 17 Transaction, with respect to the possible involvement in the transaction of any affiliated person or promoter of or principal underwriter for such Fund, or any affiliated person of such a person, promoter or principal underwriter.

3. The General Partner will not cause the funds of any Fund to be invested in any investment in which a "Co-Investor" (as defined below) has acquired or proposes to acquire the same class of securities of the same issuer, where the investment involves a joint enterprise or other joint arrangement within the meaning of rule 17d–1 in which the Fund and a Co-Investor are participants, unless prior to such investment any such Co-Investor agrees, prior to disposing of all or part of its investment, to (a) give the General Partner sufficient, but not less than one day's, notice of its intent to dispose of its investment; and (b) refrain from disposing of its investment unless the Fund has the opportunity to dispose of the Fund's investment prior to or concurrently with, on the same terms as, and on a pro rata basis with, the Co-Investor. The term "Co-Investor" with respect to any Fund means any person who is: (a) An "affiliated person" (as defined in section 2(a)(3) of the Act) of the Fund (other than an AB Third Party Fund); (b) AB (except when an AB Entity co-invests with a Fund and an AB Third Party Fund pursuant to a contractual obligation to the AB Third Party Fund); (c) an officer or director of an AB Entity; or (d) an entity (other than an AB Third Party Fund) in which AB acts as general partner or has similar capacity to control the sale or other disposition of the entity's securities. The restrictions contained in this condition, however, shall not be deemed to limit or prevent the disposition of an investment by a Co-Investor: (a) To its direct or indirect wholly-owned subsidiary, to any company (a "Parent") of which the Co-Investor is a direct or indirect wholly-owned subsidiary or to a direct or indirect wholly-owned subsidiary of its Parent; (b) to immediate family members of the Co-Investor, including step or adoptive relationships, or a trust or other investment vehicle established for any Co-Investor or any such family member; or (c) when the investment is comprised of securities that are (i) listed on a national securities exchange registered under section 6 of the Exchange Act, (ii) NMS stocks, pursuant to section 11A(a)(2) of the Exchange Act and rule 600(a) of Regulation NMS thereunder, (iii) government securities as defined in section 2(a)(16) of the Act, (iv) "Eligible Securities" as defined in rule 2a–7 under the Act, or (v) listed or traded on any foreign securities exchange or board of trade that satisfies regulatory requirements under the law of the jurisdiction in which such foreign securities exchange or board of trade is organized similar to those that apply to a national securities exchange or a national market system for securities.

4. Each Fund and its General Partner will maintain and preserve, for the life of such Fund and at least six years thereafter, such accounts, books and other documents as constitute the record forming the basis for the audited financial statements that are to be provided to the investors in such Fund, and each annual report of such Fund required to be sent to such investors, and agree that all such records will be subject to examination by the Commission and its staff.[10]

5. Within 120 days after the end of each fiscal year of each Fund, or as soon

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[9] Each Fund will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

[10] Each Fund will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

as practicable thereafter, the General Partner of each Fund will send to each investor in such Fund who had an interest in any capital account of the Fund, at any time during the fiscal year then ended, Fund financial statements audited by the Fund's independent accountants, except in the case of a Fund formed to make a single portfolio investment. In such cases, financial statements will be unaudited, but each investor will receive financial statements of the single portfolio investment audited by such entity's independent accountants. At the end of each fiscal year and at other times as necessary in accordance with customary practice, the General Partner will make a valuation or cause a valuation to be made of all of the assets of the Fund as of the fiscal year end. In addition, as soon as practicable after the end of each tax year of a Fund, the General Partner of such Fund will send a report to each person who was an investor in such Fund at any time during the fiscal year then ended, setting forth such tax information as shall be necessary for the preparation by the investor of his, her or its U.S. federal and state income tax returns and a report of the investment activities of the Fund during that fiscal year.

6. If a Fund makes purchases or sales from or to an entity affiliated with the Fund by reason of an officer, director or employee of AB (a) serving as an officer, director, general partner or investment adviser of the entity, or (b) having a 5% or more investment in the entity, such individual will not participate in the Fund's determination of whether or not to effect the purchase or sale.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–10020 Filed 4–28–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77701; File No. SR–NYSE–2016–30]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Amending the Definition of "Block" for Purposes of Rule 72(d) and the Size of a Proposed Cross Transaction Eligible for the Cross Function in Rule 76

April 25, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 12, 2016, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the definition of "block" for purposes of Rule 72(d) and the size of a proposed cross transaction eligible for the Cross Function in Rule 76. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the definition of "block" for purposes of Rule 72(d) and the size of a proposed cross transaction eligible for the Cross Function in Rule 76. Under Rule 72(d), when a member[4] has an order to buy and an order to sell an equivalent amount of the same security, and both orders are "block" orders, the member may cross those orders at a price at or within the Exchange best bid or offer and does not have to break up the cross transaction to trade with any bids or offers previously displayed at the Exchange best bid or offer, including any interest with priority. For purposes of Rule 72(d), a "block" is at least 10,000 shares or a quantity of stock having a market value of $200,000 or more, whichever is less.

Further, Rule 76 governs the execution of "cross" or "crossing" orders by Floor Brokers. Rule 76 applies only to manual transactions executed at the point of sale on the trading floor and provides that when a member has an order to buy and an order to sell the same security that can be crossed at the same price, the member is required to announce to the trading crowd the proposed cross by offering the security at a price that is higher than his or her bid by a minimum variation permitted in the security before crossing the orders. Any other member, including the DMM, can break up the announced bid and offer by trading with either side of the proposed cross transaction. Supplementary [sic] .10 to Rule 76 provides for a "Cross Function" that Floor brokers may use to monitor compliance with Rule 611 of Regulation NMS. To be eligible for this Cross Function, the proposed cross transaction must be for at least 10,000 shares or a quantity of stock having a market value of $200,000 or more.

The Exchange proposes to amend the permissible size of a crossing transaction permitted under Rule 72(d) and Supplementary Material .10 to Rule 76 to be at least 5,000 shares or a quantity of stock having a market value of $100,000 or more, whichever is less. The Exchange's proposed definition of block size would more closely align with how a block-sized transaction is defined in other SEC rules and other exchanges' rules.[5] For example, SEC Rule 10b–18 (Purchases of certain equity securities by the issuer and others) includes in the definition of a block a quantity of stock that is at least 5,000 shares and has a purchase price of at least $50,000.[6] Additionally, Financial Industry Regulatory Authority, Inc. ("FINRA") defines a block-sized order as being 10,000 shares or more, unless such orders are less than $100,000 in value.[7] The CBOE Stock Exchange ("CBSX") Rule 52.11 also permits a cross of two orders so long as the crossing transaction is of at least 5,000 shares and is for a principal amount of at least $100,000.[8] More recently, in approving the National Market System Plan to Implement a Tick Size Pilot Program ("Tick Size Pilot"),[9] the SEC approved a modified definition of "block size" such that an order of at least 5,000 shares or with a market value of at least $100,000 would be considered a block size for purposes the Tick Size Pilot. In approving the Tick Size Pilot, the Commission noted that among all NMS securities, trades with at least 10,000 shares or with a market value of at least $200,000 constitute just 0.24 percent of all trades, 13.04 percent of traded share volume and 16.27 percent of traded dollar volume.[10] The Exchange believes modifying the definition of a block order in its rules would likely result in a greater number of large size orders being executed on the Exchange.

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The reference to "member" in Rule 72(d) and this rule proposal means only Floor Broker members. Designated Market Makers ("DMMs"), while members of the Exchange, do not have any agency relationships, and are therefore not able to effect this type of transaction.

The Exchange believes the proposed rule change would promote increased trading by institutions as they are most frequent participants of block-sized trading on the Exchange. If an institution is able to execute in larger sizes, the contra party to the execution is less likely to be a participant that reacts to short term changes in the stock price and as such the price impact to the stock could be less acute when larger individual executions are obtained by the institution.[11] As a consequence of this concern, large size orders are often executed away from the Exchange in dark pools or via broker-dealer internalization.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would attract more order flow to the Exchange that is currently trading on less transparent venues that contribute less to price discovery and price competition than executions and quotes that occur on lit markets. Such new order flow will further enhance the depth and liquidity on the Exchange, which supports just and equitable principles of trade. Specifically, as required under Rule 76, any proposed crossing transaction, including a transaction using the Cross Function or a cross that meets the requirements of Rule 72(d), must be announced in the Crowd before trading, thus providing an opportunity for other market participants, including other Floor brokers or the designated market maker, to participate in the proposed crossing transaction. By reducing the size of a block transaction, the Exchange believes that additional order flow may be routed to Floor brokers and thus be subject to such exposure requirements on the Trading Floor.

The Exchange believes that modifying the definition of block orders to lower the thresholds would be consistent with the public interest and the protection of investors because the Exchange is proposing to align the definition of block orders to current SEC and other exchange rules which the Exchange expects will result in increased participation of large-sized orders on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the proposed change will align the definition of a "block" with current SEC and other exchange rules, thereby promoting its competitiveness with dark pools where such large-sized orders currently trade in more frequency than on lit markets. As a consequence, the proposed change will promote competition among the many trading venues, which, in turn, will decrease the burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

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[5] For purposes of Regulation NMS, a "block size" with respect to an order means it is: (i) Of at least 10,000 shares or (ii) for a quantity of stock having a market value of at least $200,000. *See* 17 CFR 242.600(a)(9). The term "block size" is used in Regulation NMS in the definition of an OTC Market Marker, 17 CFR 242.600(a)(52), and in an exception to specialists' and OTC Market Makers' obligation to display customer limit orders, 17 CFR 242.604(b)(4). The definition of "block size" in Regulation NMS is the same as the Exchange's current definition of "block" for purposes of Rule 72(d) and the size of a proposed cross transaction eligible for the Cross Function in Rule 76. The Exchange's proposal to change its rules does not change the definition of "block size" as used in Regulation NMS.

[6] *See* 17 CFR 240.10b–18(a)(5)(ii).

[7] *See* FINRA Rule 5320, Supplementary Material .01.

[8] *See* CBSX Rule 52.11 Facilitation of Orders and Crossing Trades, Chapter LII—Trading Rules and Processing of Orders. In September 2006, the Commission approved rules governing the trading of non-option securities traded on the Chicago Board Options Exchange, Inc. ("CBOE"), including CBSX Rule 52.11. *See* Securities Exchange Act Release No. 54422 (September 11, 2006), 71 FR 54537 (September 15, 2006) (Approving SR–CBOE–2004–21). The Commission also approved modifications to CBOE's non-option trading rules to conform those rules to aspects of Regulation NMS. *See* Securities Exchange Act Release No. 54526 (September 27, 2006), 71 FR 58646 (October 4, 2006) (Approving SR–CBOE–2006–70). Although CBSX has ceased trading operations, the CBSX rules are incorporated into the rules of the CBOE.

[9] *See* Securities Exchange Act Release No. 34–74892 (May 6, 2015), 80 FR 27514 (May 13, 2015) File No. 4–657 (Order Approving the National Market System Plan To Implement a Tick Size Pilot Program by BATS Exchange, Inc. BATS–Y Exchange, Inc., Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc., as Modified by the Commission, for a Two-Year Period) ("Tick Size Approval Order).

[10] *See* Tick Size Approval Order at 27541.

[11] The Commission has long recognized this concern: "Another type of implicit transaction cost reflected in the price of a security is short-term price volatility caused by temporary imbalances in trading interest. For example, a significant implicit cost for large investors [sic] is the price impact that their large trades can have on the market. Indeed, disclosure of these large orders can reduce the likelihood of their being filled." *See* Securities Exchange Act Release No. 42450 (February 23, 2000), 65 FR 10577 (February 28, 2000) (SR–NYSE–99–48).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2016–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2016–30. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2016–30 and should be submitted on or before May 20, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–09975 Filed 4–28–16; 8:45 am]

BILLING CODE 8011–01–P

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[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14703 and #14704]

Louisiana Disaster #LA–00063

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Louisiana (FEMA–4263–DR), dated 04/20/2016.

Incident: Severe Storms and Flooding.

Incident Period: 03/08/2016 through 04/08/2016.

Effective Date: 04/20/2016.

Physical Loan Application Deadline Date: 06/20/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 01/20/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 04/20/2016, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Allen, Ascension, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Catahoula, Claiborne, De Soto, East Carroll, Franklin, Grant, Jackson, La Salle, Lafourche, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Saint Helena, Saint Tammany, Tangipahoa, Union, Vernon, Washington, Webster, West Carroll, Winn.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 147036 and for economic injury is 147046.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–10071 Filed 4–28–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Military Reservist Economic Injury Disaster Loans Interest Rate for Third Quarter FY 2016

In accordance with the Code of Federal Regulations 13—Business Credit and Assistance § 123.512, the following interest rate is effective for Military Reservist Economic Injury Disaster Loans approved on or after April 22, 2016.

Military Reservist Loan Program—4.000%

Dated: April 21, 2016.

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–10072 Filed 4–28–16; 8:45 am]

BILLING CODE 8025–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36024]

Finger Lakes Railway Corp.—Sublease and Operation Exemption—Seneca County Industrial Development Agency

Finger Lakes Railway Corp. (FGLK), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to sublease from Seneca County Industrial Development Agency (Agency), and operate, approximately 26.44 miles of railroad located in New York as follows: (1) Auburn Secondary, between milepost 37.56 at the Seneca/Cayuga County line and milepost 50.50 at or near Geneva, a distance of 12.94 miles; and (2) Geneva Running Track, between milepost 342.80 at the Ontario/Seneca County line and milepost 329.30 at or near Kendaia, a distance of 13.50 miles.[1] The Agency and FGLK state that the Agency currently owns the rail lines but FGLK is responsible for all railroad operations over the rail lines.

According to FGLK, the sublease of the rail lines is part of a series of proposed transactions that will allow FGLK to continue to pay a negotiated "payment in lieu of taxes" (PILOT) while maintaining the benefits of being exempt from local and state taxes. FGLK states that it originally acquired the rail lines in 1995 and transferred title to the Agency and then leased back the rail lines for purposes of the PILOT arrangement. FGLK states that to extend and restructure the PILOT arrangement, the Agency will first transfer title to the rail lines to FGLK.[2] Then the Agency will lease the rail lines from FGLK.[3] Lastly, FGLK will sublease the rail lines back from the Agency to continue operations over them, including all common carrier service and maintenance of the tracks—the transaction at issue in this docket.

FGLK certifies that the proposed transaction does not include an interchange commitment.

FGLK states the transaction will not result in the creation of a Class II or Class I rail carrier, but that its projected revenues as a result of this transaction would exceed $5 million. Accordingly, under 49 CFR 1150.42(e), FGLK is required, at least 60 days before this exemption is to become effective, to send notice of the transaction to the national offices of the labor unions with employees on the affected lines, post a copy of the notice at the workplace of the employees on the affected lines, and certify to the Board that it has done so. FGLK, however, has filed a petition for waiver of this 60-day advance labor notice requirement, asserting that there will be no changes for employees working on the rail lines because FGLK already operates the rail lines and will continue to be the sole common carrier operator of the rail lines. FGLK's waiver request will be addressed in a separate decision.

FGLK states that the parties intend to consummate the transaction no sooner than May 13, 2016, the effective date of the exemption (30 days after the verified notice was filed), and only after the Board has ruled on the motion to dismiss in Docket No. FD 36023. The Board will establish in the decision on the waiver request the earliest date this transaction can be consummated.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than May 6, 2016 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 36024, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Clark Hill PLC, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

According to FGLK, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: April 26, 2016.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2016–10092 Filed 4–28–16; 8:45 am]

BILLING CODE 4915–01–P

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[1] The Agency and FGLK jointly filed one notice for three related transactions under 49 CFR 1150.31 and 1150.41, one in this docket, one in Docket No. FD 36022, and one in Docket No. FD 36023, as described further below. A separate notice will be published for each exemption.

[2] FGLK filed a verified notice of exemption to acquire the rail lines in *Finger Lakes Railway—Acquisition & Operation Exemption—Seneca County Industrial Development Agency,* Docket No. FD 36022.

[3] The Agency filed a verified notice of exemption to acquire the rail lines by lease, in *Seneca County Industrial Development Agency—Lease Exemption—Finger Lakes Railway,* Docket No. FD 36023. The Agency also filed a motion to dismiss that notice of exemption on grounds that the transaction does not require authorization from the Board. That motion will be addressed in a separate decision.

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36023]

Seneca County Industrial Development Agency—Lease Exemption—Finger Lakes Railway Corp.

Seneca County Industrial Development Agency (Agency), a noncarrier, has filed a verified notice under 49 CFR 1150.31 to lease from Finger Lakes Railway Corp. (FGLK), a Class III rail carrier, approximately 26.44 miles of railroad located in New York as follows: (1) Auburn Secondary, between milepost 37.56 at the Seneca/Cayuga County line and milepost 50.50 at or near Geneva, a distance of 12.94 miles; and (2) Geneva Running Track, between milepost 342.80 at the Ontario/Seneca County line and milepost 329.30 at or near Kendaia, a distance of 13.50 miles.[1]

According to the Agency, the lease of the rail lines is part of a series of proposed transactions that will allow FGLK to continue to pay a negotiated "payment in lieu of taxes" (PILOT) while maintaining the benefits of being exempt from local and state taxes. The Agency states that FGLK originally acquired the rail lines in 1995 and transferred title to the Agency and then leased back the rail lines for purposes of the PILOT arrangement. The Agency states that to extend and restructure the PILOT arrangement, it will first transfer title to the rail lines to FGLK.[2] Then the Agency will lease the rail lines from FGLK—the transaction at issue in this docket. Lastly, FGLK will sublease the rail lines back from the Agency to continue operations, including all common carrier service and maintenance of the tracks.[3]

The Agency states that it will not hold itself out to provide any rail service, and is not acquiring any of the common carrier obligations with respect to the rail lines.[4] Under the terms of the lease from FGLK to the Agency and the amended and restated lease from the Agency to FGLK, the Agency maintains that FGLK will continue to be the sole provider of railroad services and will have the rights necessary to operate the railroad services. The Agency states that it is not leasing or acquiring any of the common carrier obligations with respect to the rail lines. The Agency further states that it will be precluded from interfering materially with FGLK's common carrier obligation.

The Agency certifies that it will not operate over the rail lines and that the transaction will not result in the creation of a Class I or Class II carrier.

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[1] The Agency and FGLK jointly filed one notice for three related transactions under 49 CFR 1150.31 and 1150.41, one in this docket, one in Docket No. FD 36022, and one in Docket No. FD 36024, as described further below. A separate notice will be published for each exemption.

[2] FGLK filed a verified notice of exemption to acquire the rail lines in *Finger Lakes Railway—Acquisition & Operation Exemption—Seneca County Industrial Development Agency,* Docket No. FD 36022.

[3] FGLK filed a verified notice of exemption to sublease the rail lines in *Finger Lakes Railway—Sublease & Operation Exemption—Seneca County Industrial Development Agency,* Docket No. FD 36024.

[4] A motion to dismiss the notice of exemption on grounds that the transaction does not require authorization from the Board was concurrently filed with this notice of exemption. The motion to dismiss will be addressed in a subsequent Board decision.

The Agency further states that FGLK is a Class III carrier.

The Agency states that the parties intend to consummate the transaction no sooner than May 13, 2016, the effective date of the exemption (30 days after the verified notice was filed), and only after the Board has ruled on the motion to dismiss.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than May 6, 2016 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 36023, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Clark Hill PLC, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

According to the Agency, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: April 26, 2016.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2016–10091 Filed 4–28–16; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36022]

Finger Lakes Railway Corp.—Acquisition and Operation Exemption—Seneca County Industrial Development Agency

Finger Lakes Railway Corp. (FGLK), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Seneca County Industrial Development Agency (Agency), and operate approximately 26.44 miles of railroad located in New York as follows: (1) Auburn Secondary, between milepost 37.56 at the Seneca/Cayuga County line and milepost 50.50 at or near Geneva, a distance of 12.94 miles; and (2) Geneva Running Track, between milepost 342.80 at the Ontario/Seneca County line and milepost 329.30 at or near Kendaia, a distance of 13.50 miles.[1] The Agency and FGLK state that the Agency currently owns the rail lines but FGLK is responsible for all railroad operations over the rail lines.

According to FGLK, the acquisition of the rail lines is part of a series of proposed transactions that will allow FGLK to continue to pay a negotiated "payment in lieu of taxes" (PILOT) while maintaining the benefits of being exempt from local and state taxes. FGLK states that it originally acquired the rail lines in 1995 and transferred title to the Agency and then leased back the rail lines for purposes of the PILOT arrangement. FGLK states that to extend and restructure the PILOT arrangement, the Agency will first transfer title to the rail lines to FGLK. This notice relates to that transaction. Then the Agency will lease the rail lines from FGLK.[2] Lastly, FGLK will sublease the rail lines back from the Agency to continue operations over them, including all common carrier service and maintenance of the tracks.[3]

FGLK certifies that the proposed transaction does not include an interchange commitment.

FGLK states the transaction will not result in the creation of a Class II or Class I rail carrier, but that its projected revenues as a result of this transaction would exceed $5 million. Accordingly, under 49 CFR 1150.42(e), FGLK is required, at least 60 days before this exemption is to become effective, to send notice of the transaction to the national offices of the labor unions with employees on the affected lines, post a copy of the notice at the workplace of the employees on the affected lines, and certify to the Board that it has done so. FGLK, however, has filed a petition for waiver of this 60-day advance labor notice requirement, asserting that there will be no changes for employees working on the rail lines because FGLK already operates the rail lines and will continue to be the sole common carrier operator of the rail lines. FGLK's waiver request will be addressed in a separate decision.

FGLK states that the parties intend to consummate the transaction no sooner than May 13, 2016, the effective date of the exemption (30 days after the verified notice was filed), and only after the Board has ruled on the motion to dismiss in Docket No. FD 36023. The Board will establish in the decision on the waiver request the earliest date this transaction can be consummated.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than May 6, 2016 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 36022, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Clark Hill PLC, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

According to FGLK, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: April 26, 2016.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2016–10090 Filed 4–28–16; 8:45 am]

BILLING CODE 4915–01–P

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[1] The Agency and FGLK jointly filed one notice for three related transactions under 49 CFR 1150.31 and 1150.41, one in this docket, one in Docket No. FD 36023, and one in Docket No. FD 36024, as described further below. A separate notice will be published for each exemption.

[2] The Agency filed a verified notice of exemption to acquire the rail lines by lease, in *Seneca County Industrial Development Agency—Lease Exemption—Finger Lakes Railway,* Docket No. FD 36023. The Agency also filed a motion to dismiss that notice of exemption on grounds that the transaction does not require authorization from the Board. That motion will be addressed in a separate decision.

[3] FGLK filed a verified notice of exemption to sublease the rail lines in *Finger Lakes Railway—Sublease & Operation Exemption—Seneca County Industrial Development Agency,* Docket No. FD 36024.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Railroad Safety Infrastructure Improvement Grants

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of funding opportunity.

SUMMARY: This Notice of Funding Opportunity (NOFO or notice) details the application requirements and procedures for obtaining grant funding for eligible projects under the Railroad Safety Infrastructure Improvement Grant program. The opportunities described in this notice are available under Catalog of Federal Domestic Assistance (CFDA) number 20.301, "Rail Safety Grants."

DATES: Applications for funding under this notice are due no later than 5:00 p.m. Eastern Daylight Time (EDT), on June 14, 2016. Applications for funding received after 5:00 p.m. EDT on June 14, 2016, will not be considered for funding. See Section 4 of this notice for additional information regarding the application process.

ADDRESSES: Applications for funding must be submitted via Grants.gov. For any required or supporting application materials that an applicant is unable to submit via Grants.gov (such as oversized engineering drawings), the applicant may submit an original and two copies to John Winkle, attn.: Mary Ann McNamara, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., Room W38–302, Mail Stop 20, Washington, DC 20590. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, applicants are advised to use other means of document conveyance, such as courier service, to ensure timely delivery. Courier service should include the room number in the address.

FOR FURTHER INFORMATION CONTACT: For further information regarding this notice, please contact John Winkle, attn.: Mary Ann McNamara, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., Room W38–302, Mail Stop 20, Washington, DC 20590; Email: *john.winkle@dot.gov;* Phone: (202) 493–6067; Fax: (202) 493–6333.

SUPPLEMENTARY INFORMATION:

Notice to applicants: FRA recommends that applicants read this notice in its entirety prior to preparing application materials. There are several administrative requirements described herein that applicants must comply with to submit an application and application requirements may differ depending on the type of proposed project. FRA has established a Web page for grant notices, at *www.fra.dot.gov/Page/P0933,* that contains required application materials and additional guidance for topics referenced in this notice.

Additionally, applicants should note that the required project narrative component of the application package may not exceed 25 pages in length.

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1. Program Description
2. Federal Award Information
3. Eligibility Information
4. Application and Submission Information
5. Application Review
6. Federal Award Administration
7. Federal Awarding Agency Contact

Section 1: Program Description

1.1 Background

FRA's mission is to ensure the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future. America's population is estimated to increase by 70 million people, or more than 20 percent, by 2045. Freight shipments are forecasted to increase by 45 percent over the same period. Rail transportation will play a critical role in accommodating the passenger and freight mobility demands of our growing population.

As our population grows, so too does the use of our transportation infrastructure. However, the funding necessary to maintain and improve our transportation system has not kept pace with this usage and the burdens placed upon it, which has led to a widening infrastructure deficit as more transportation assets fall into a state of disrepair. This is particularly true on our nation's rail network, where a significant backlog of rail infrastructure, stations, and equipment repair or replacement needs have accumulated after decades of underinvestment. Maintaining infrastructure and equipment is essential for safe, reliable, and efficient railroad operations.

To help address these concerns, over the past several years, FRA has administered several rail infrastructure rehabilitation and improvement grant programs, including the Rail Line Relocation and Improvement program, the Safe Transportation of Energy Products program, and the High-Speed Intercity Passenger Rail program. In the fiscal year 2016 Consolidated Appropriations Act, Congress appropriated $25 million for the Rail Safety Infrastructure Improvements Grant program. Through the Rail Safety Infrastructure Improvements Grant program, FRA will, pursuant to the authority provided by Congress, provide funding assistance to improve the safety of rail infrastructure. Specifically, the Rail Safety Infrastructure Improvements Grant program can fund safety improvements to railroad infrastructure, including the acquisition, improvement, or rehabilitation of intermodal or rail equipment or facilities, including track, bridges, tunnels, rail yards, buildings, passenger stations, and maintenance and repair shops. Projects that make improvements to highway-rail at-grade crossings, including grade separations and grade crossing closures, are also eligible, as are improvements necessary to establish a quiet zone. Applicants should note, however, that given the statutorily-prescribed selection criteria, FRA will view more favorably projects that are primarily intended to improve safety at highway-rail grade crossings, yet incorporate infrastructure improvements necessary to construct a quiet zone, instead of standalone quiet zone infrastructure projects that have minimal impact on railroad safety.

1.2 Program Overview

This notice contains the requirements and procedures applicants must follow to compete for funding under the Railroad Safety Infrastructure Improvement Grant program. This notice makes $25,000,000 in discretionary funding available for safety improvements to railroad infrastructure, including the acquisition, improvement, or rehabilitation of intermodal or rail equipment or facilities, including track, bridges, tunnels, yards, buildings, passenger stations, and maintenance and repair shops.

Applicants are encouraged to read the remainder of this NOFO carefully for:

(1) Funding parameters;

(2) Applicant, project, and project-cost eligibility requirements;

(3) Application development and submission policies;

(4) Details regarding FRA's application evaluation and selection criteria; and

(5) Post-award grant administration responsibilities.

1.3 Legislative Authority

Funding for this notice was made available by the Consolidated Appropriations Act, 2016 (Act), Public Law 114–113, division L, title I (2015), which directed FRA to award up to $25,000,000 for railroad safety grants to carry out 49 U.S.C. 20167, in effect the day before the enactment of the Passenger Rail Reform and Investment Act of 2015 (division A, title XI of the Fixing America's Surface Transportation Act). The Act appropriated $25,000,000 for this grant program, all of which is available through this NOFO.

Section 2: Federal Award Information

The total amount of funding available under this NOFO is $25,000,000. FRA anticipates making multiple awards under this Notice. However, given the relatively limited amount of funding available for award, FRA:

(1) Encourages applicants to constrain their Federal funding request to a maximum of $5,000,000 per project and application. While this funding request limit is a recommendation and not a firm requirement, applications exceeding the recommended amount must explain why additional funding over the recommended amount is

necessary to implement the proposed project. If additional funding is required for a particular project, applicants are advised to subdivide higher-cost projects into discrete components that demonstrate operational independence and public benefits discrete to that project component;

(2) Strongly encourages applicants to leverage other federal, state, local, or private funds to support the proposed project; and

(3) May not be able to award grants to all eligible applications, or even those applications that meet or exceed the stated evaluation criteria (see Section 5, Application Review and Selection). However, should additional funding become available, FRA may choose to fund applications submitted under this NOFO, but not selected in FRA's first round of funding.

Section 3: Eligibility Information

This section of the notice provides the requirements for submitting an eligible grant application. Applications that do not meet the requirements in this section may be considered ineligible for funding. Instructions for conveying eligibility information to FRA are detailed in Section 4 of this NOFO.

3.1 *Applicant Eligibility*

The following entities are eligible applicants for all project types permitted under this notice (see section 3.2, "Project Eligibility"), except a project to establish a quiet zone:

- States;
- Local Governments; and
- Passenger and Freight Railroad Carriers.

Only States and political subdivisions of States are eligible applicants for projects to construct the infrastructure necessary to establish a quiet zone under 49 CFR part 222. FRA considers traditional units of local government such as cities, counties, boroughs, and townships to be political subdivisions of a State. However, under 49 CFR part 222, only *public authorities* may establish quiet zones. FRA recommends that applicants interested in submitting an application for a quiet zone infrastructure project, including States, review part 222 to determine whether they are a public authority. If not, such applicants would have to demonstrate to FRA that the public authorities with jurisdiction over the grade crossing(s) that is (are) the subject of the application intend to establish a quiet zone that would include the crossing(s). Finally, FRA prefers but does not require that State Departments of Transportation (or similar entities) submit applications on behalf of their State.

3.2 *Project Eligibility*

This notice solicits applications for a broad range of rail projects. Eligible projects are those that will make safety improvements to railroad infrastructure and include the acquisition, improvement, or rehabilitation of intermodal or rail equipment, or facilities. Eligible rail equipment includes track, bridges and tunnels, and eligible facilities include yards, buildings, passenger stations, and maintenance and repair shops. Projects that construct grade separations or make improvements to highway-rail grade crossings are eligible, as are projects to construct the infrastructure necessary to establish a quiet zone, although FRA will view more favorably quiet zone infrastructure projects that are primarily intended to improve highway-rail grade crossing safety. The types of costs/activities allowed under each project type are discussed in Section 3.3, "Cost Eligibility." All applications must clearly demonstrate project need and the expected positive impact of the proposed project on rail safety using clear supportable data.

Proposed safety infrastructure projects may include in their statement of work pre-construction planning activities, such as preliminary engineering and final design, and any costs related to environmental and related clearances, including all work necessary for FRA to approve the project under the National Environmental Policy Act (NEPA) and related statutes and regulations. FRA will consider eligible, however, only those costs related to preliminary work that directly supports construction of the project. FRA considers work such as planning studies and feasibility studies to be too far removed from actual construction and not eligible. In addition, Congress made clear in the Act that this program must fund safety improvements Therefore, projects funding only pre-construction work, including work that would be otherwise eligible as part of a construction project, are not eligible.

3.3 *Cost Eligibility*

3.3.1. Matching Funds. All Federal funds, including FRA's funding contribution to any proposed project under this NOFO, must not exceed a 50 percent share of the total project cost. FRA will not consider any Federal or non-Federal funds already expended (or otherwise encumbered) toward the matching requirement. Applicants must identify the source(s) of their matching and other leveraged funds, and must clearly and distinctly reflect these funds as part of the total project cost in the application budget.

Before submitting an application, applicants should carefully review the principles for cost sharing or matching in 2 CFR 200.306.

3.3.2. Project Costs. A broad range of rail safety infrastructure projects are eligible for funding under this NOFO. Eligible projects include, but are not limited to, the following:

3.3.2.1 Track and Related Projects

○ Track rehabilitation and repair;

○ Track construction, such as straightening curves or adding passing sidings;

○ Bridge rehabilitation and repair;

○ Signal installation, repair or upgrade;[1]

○ Grade crossing installation, repair or rehabilitation, or closure;

○ Grade separations; and

○ On electrified rail, installation, replacement or rehabilitation of overhead catenary.

3.3.2.2 Rolling Stock/Equipment Projects

○ Rehabilitation of locomotives, passenger cars, or other rolling stock; and

○ Acquisition of locomotives, passenger cars, or other rolling stock.

3.3.2.3 Railroad/Intermodal Facilities Projects

○ Rehabilitation or repair of tunnels;

○ Construction, rehabilitation or reconfiguration of yards, including necessary track work;

○ Construction, rehabilitation or repair of passenger stations, including rail-related appurtenances such as platforms and canopies; and

○ Construction, rehabilitation or repair of other rail facilities, such as maintenance and repair shops.

The focus of a project must be safety improvements, and not other potential benefits, such as increased operational efficiencies or economic opportunities. As is discussed in Section 5 Application Review, FRA will consider other benefits, but to be eligible under this program the primary purpose of a project must be to improve safety. If an applicant has questions concerning eligibility of a project, FRA urges the applicant to contact FRA before the applicant begins preparing the application.

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[1] Projects that install Positive Train Control (PTC) infrastructure are eligible. Given that Congress also funded a separate PTC grant program, however, FRA believes that Congress intended that this Safety Grants program focus on safety infrastructure improvements other than PTC. For applicants interested in funding for PTC projects, FRA recommends those applicants apply for FRA's Railroad Safety Technology Grant program, which has $25 million available specifically for PTC projects, or FTA's Commuter Rail PTC grant program.

If a grant awarded under this program will not fully fund the project, the applicant must demonstrate to FRA's satisfaction that the applicant has, prior to submitting the application, secured all funding necessary to complete the project.

Any grant awarded under the Railroad Safety Infrastructure Improvement Grant program will be a reimbursable grant. Unless otherwise approved by FRA, grantees must first disburse funds to cover eligible costs and then seek reimbursement from FRA.

Section 4: Application and Submission Information

4.1 Submission Dates and Times

Complete applications must be submitted to Grants.gov no later than 5:00 p.m. EDT on June 14, 2016. Applications received after 5:00 p.m. EDT on June 14, 2016, will not be considered for funding. Accordingly, applicants are strongly encouraged to apply early to ensure that all materials are received before the application deadline.

4.2 Application Content

Applicants must include the following documents in the application package:

○ SF424 (Application for Federal Assistance);
○ Project Narrative (see 4.2.1);
○ Statement of Work (SOW) (see 4.2.2);
○ FRA's Additional Assurances and Certifications;
○ SF 424C—Budget Information for Construction;
○ SF 424D—Assurances for Construction; and
○ SF LLL: Disclosure of Lobbying Activities.

Applicants must complete and submit all components of the application package to be considered for funding. FRA has established a grant opportunity Web page at *www.fra.dot.gov/Page/P0268,* which contains application forms and additional application guidance. Additional content requirements for the project narrative and SOW can be found in Sections 4.2.1 and 4.2.2 below.

FRA welcomes the submission of other relevant supporting documentation the applicant has developed, such as planning, NEPA documentation, engineering and design documentation, and letters of support. Applications accompanied by completed feasibility studies, environmental determinations, and cost estimates may be more favorably considered during the application review process because they demonstrate that an applicant has a greater understanding of the scope and cost of the proposed project. These documents will *not* count against the 25-page limit applied to the project narrative.

4.2.1 Project Narrative. The following seven numeric points describe the minimum content required in the project narrative component of a grant application, and the project narrative must adhere to the following outline. The project narrative may not exceed 25 pages in length (including any supporting tables, maps, or drawings). FRA will not accept applications with project narratives exceeding the 25 page limit. However, the supplementary documents listed in Section 4.2 will not count against this limit.

(1) Applicants must include a title page that lists the following elements in either a table or formatted list: Project title, location (street or address, zip code, city, county, State, district), the applicant organization name, and the name of any co-applicants. Applicants must provide a brief 4–6 sentence summary of the proposed project, capturing the safety challenges the proposed project aims to address, the intended outcomes, and anticipated benefits that will result from the proposed project.

(2) Applicants must describe the *applicant's* eligibility per Section 3 of this Notice. Applicants must provide a single point of contact for the application, including: Name, title, phone number, mailing address, and email address. The point of contact must be an employee of the eligible applicant.

For quiet zone infrastructure projects submitted by an applicant, the applicant must establish that it is a political subdivision of a State. As described above, FRA considers traditional units of local government such as cities, counties, boroughs and townships to be political subdivisions. For other entities, information that could substantiate eligibility includes enabling legislation stating clearly that the applicant is a political subdivision of a State, an Attorney General's Opinion from the State explaining that the applicant is a political subdivision of the State, or an appellate court judicial opinion finding that the applicant is a political subdivision of a State. If a potential applicant's eligibility as a political subdivision of a State is in question, the applicant should contact FRA.

(3) Applicants must indicate the amount of Federal funding requested from FRA under this NOFO and for this project, the proposed non-Federal match, any other funding amounts, and total project cost. Applicants must identify the Federal and matching funding percentages of the total project cost. Applicants must identify source(s) of matching funds, the source(s) of any other Federal funds committed to the project, and any pending Federal requests. Please note, other federal funds may be used to support the project, but may not be considered eligible matching funds for funds awarded under this Notice, and will be counted as part of the 50 percent limit on Federal funds. If applicable, please note whether the requested Federal funding must be obligated or expended by a certain date (due to other entities with other Federal or non-Federal funding sources, related projects, or other factors). Finally, applicants must specify whether Federal funding has ever previously been sought for the project and not secured, and name the Federal program and fiscal year from which the funding was requested.

(4) Applicants must include a detailed project description that expands upon the brief summary required in item number one of the project narrative section. This detailed description must provide, at a minimum, additional background on: The safety risks and challenges the project aims to address; the specific project activities proposed; expected outputs and outcomes of the project; and any other information the applicant deems necessary to justify the proposed project. In describing the project, the application should also clearly explain how the proposed project meets the respective project and cost/activity eligibility criteria for the type of funding requested as outlined in Section 3 of this notice.

(5) Applicants must include a thorough discussion of how the project meets all of the evaluation criteria for the respective project type as outlined below in Section 5 of this notice. Applicants should note that FRA reviews applications based upon the evaluation criteria listed. If an application does not sufficiently address the evaluation criteria, it is unlikely to be considered a competitive application. In responding to the criteria, applicants are reminded to clearly identify, quantify, and compare expected safety benefits and costs of proposed projects. FRA understands that the level of detail and sophistication of analysis that should be expected for relatively small projects (*i.e.,* those encouraged to be limited to under $5,000,000 in this

notice) is less than for larger investments.

(6) Applicants must describe proposed project implementation and project management arrangements. Applicants must include descriptions of the expected arrangements for project contracting, contract oversight, change-order management, risk management, and conformance to Federal requirements for project progress reporting.

(7) Applicants must describe the anticipated environmental or historic preservation impacts associated with the proposed project, any environmental or historic preservation analyses that have been prepared, and progress toward completing any environmental documentation or clearance required for the proposed project under NEPA, the National Historic Preservation Act, section 4(f) of the U.S. DOT Act, the Clean Water Act, or other applicable Federal or State laws. Applicants and grantees under FRA's financial assistance programs are encouraged to contact FRA and obtain preliminary direction regarding the appropriate NEPA class of action and required environmental documentation. Generally, projects will be ineligible to receive funding if construction activities began prior to the applicant/grantee receiving written approval from FRA that all environmental and historical analyses have been completed. Additional information regarding FRA's environmental processes and requirements are located at *www.fra.dot.gov/Page/P0183.*

4.2.2 Statement of Work. Applicants are required to submit a SOW that addresses the scope, schedule, and budget for the proposed project. The SOW should contain sufficient detail so that both FRA and the applicant can understand the expected outcomes of the proposed work to be performed and monitor progress toward completing project tasks and deliverables during a prospective grant's period of performance. The FRA has developed a standard SOW template that applicants must use to be considered for award. The SOW templates are located at *www.fra.dot.gov/Page/P0325.*

4.3 Submission Instructions

Applicants must submit all application materials through Grants.gov. For any required or supporting application materials an applicant is unable to submit via Grants.gov (such as oversized engineering drawings), an applicant may submit an original and two copies to John Winkle, attn.: Mary Ann McNamara, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room No. W38–302, Mail Stop 20, Washington, DC 20590. Applicants are advised to use means of rapid conveyance (such as courier service) as the application deadline approaches.

To apply for funding through Grants.gov, applicants must be properly registered. Complete instructions on how to register and submit an application are at Grants.gov. Registering with Grants.gov is a one-time process. However, it can take several weeks for first-time registrants to receive confirmation and a user password. FRA recommends that applicants start the registration process as early as possible to prevent delays that may preclude submitting an application package by the application deadline. FRA will not accept applications after the due date.

To apply for funding under this announcement and to apply for funding through Grants.gov, all applicants must:

1. *Acquire a Data Universal Numbering System (DUNS) Number.* A DUNS number is required for Grants.gov registration. The Office of Management and Budget (OMB) requires that all businesses and nonprofit applicants for Federal funds include a DUNS number in their applications for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for Federal assistance applicants, recipients, and sub-recipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Applicants may obtain a DUNS number by calling 1–866–705–5711 or by applying online at *http://www.dnb.com/us.*

2. *Acquire or Renew Registration with the System for Award Management (SAM) Database.* All applicants for Federal financial assistance must maintain current registrations in the SAM database. An applicant must be registered in SAM to successfully register in Grants.gov. The SAM database is the repository for standard information about Federal financial assistance applicants, recipients, and sub recipients. Organizations that have previously submitted applications via Grants.gov are already registered with SAM, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their SAM registration at least once per year to maintain an active status. Therefore, it is critical to check registration status well in advance of the application deadline. Information about SAM registration procedures is available at *www.sam.gov.*

3. *Acquire an Authorized Organization Representative (AOR) and a Grants.gov Username and Password.* Applicants must complete an AOR profile on Grants.gov and create a username and password. Applicants must use the organization's DUNS number to complete this step. Additional information about the registration process is available at *www.grants.gov/applicants/get_registered.jsp.*

4. *Acquire Authorization for your AOR from the E-Business Point of Contact (E-Biz POC).* The applicant's E-Biz POC must log in to Grants.gov to confirm a representative as an AOR. Please note that there can be more than one AOR at an organization.

5. *Search for the Funding Opportunity on Grants.gov.* The CFDA number for this opportunity is 20.301, titled "Rail Safety Grants."

6. *Submit an Application Addressing All of the Requirements Outlined in this Funding Availability Announcement.* After submitting the application through Grants.gov, a confirmation screen will appear on the applicant's computer screen. This screen will confirm that the applicant has submitted an application and provide a tracking number to track the status of the submission. Within 24 to 48 hours after submitting an electronic application, an applicant should receive an email validation message from Grants.gov. The validation message will explain whether the application has been received and validated or rejected, with an explanation. Applicants are urged to submit an application at least 72 hours prior to the due date of the application to allow time to receive the validation message and to correct any problems that may have caused a rejection notification.

If an applicant experiences difficulties at any point during this process, please call the Grants.gov Customer Center Hotline at 1–800–518–4726, 24 hours a day, 7 days a week (closed on Federal holidays).

Note: Please use generally accepted formats such as .pdf, .doc, .docx, .xls, .xlsx and .ppt, when uploading attachments. While applicants may imbed picture files, such as .jpg, .gif, and .bmp, in document files, applicants should not submit attachments in these formats. Additionally, the following formats will not be accepted: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip.

Section 5: Application Review

5.1 Intake and Eligibility

Following the application deadline, FRA will screen all applications for timely submission and completeness. Applications that do not meet the requirements detailed in Section 4 of this notice will be ineligible for funding consideration.

5.2 Evaluation

FRA intends to award funds to projects that achieve the maximum benefits possible given the amount of funding available. FRA will analyze each application for its technical merit and project benefits using the factors and sub-criteria below.

(1) Technical Merit[2]

○ The application is thorough and responsive to all of the requirements outlined in this Notice.

○ The tasks and subtasks outlined in the SOW are appropriate to achieve the expected safety outputs of the proposed project.

○ The proposed costs are realistic and are sufficient to accomplish the tasks documented in the SOW.

○ The appropriate partnerships and financing are in place to complete the proposed project.

(2) Project Benefits

○ The application contains supportable data to describe the safety risk that currently exists if the proposed project is not completed. This information should include the age and condition of the rail infrastructure to be replaced, improved, or rehabilitated.

○ The applicant describes the expected safety benefit of the project, making a reasonable link between that benefit and the proposed activities of the project. If applicable, this information should include the volume of hazardous materials transported over the infrastructure to be replaced, repaired or rehabilitated, and whether the infrastructure supports passenger rail operations.

○ The relative impact of the proposed safety improvement (*i.e.,* does the safety benefit have a significant impact on a given community or rail line).

○ Other potential benefits, such as improved operational efficiencies, reduced maintenance costs, and potential increased ridership.

○ The safety record of the railroad carrier that owns the infrastructure, including accident and incident numbers and rates.

○ Information provided by the applicant that demonstrates the merit of investing in the proposed project using a benefit cost analysis that is systematic, data driven, and examines the trade-offs between project costs and expected safety benefit. Applicants should note if other, alternative investments were considered for submission under this notice using a similar benefit-cost analysis approach. Applicants are strongly encouraged to use Executive Order 12839 (Principles for Federal Infrastructure Investments, 59 FR 4233), OMB Circular A–94 (Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs), and OMB Circular A–4 (Regulatory Analysis) to conduct this analysis.

5.3 Selection

In addition to the evaluation criteria outlined in Section 5.2 above, the FRA Administrator may apply any or all of the following selection criteria to further ensure the projects selected for funding advance FRA and DOT's current mission and key priorities, as well as to ensure the projects selected are appropriate to meet national transportation safety and rail network objectives.

(1) Alignment with DOT Strategic Goals and Priorities:

○ Improving transportation safety;

○ Maintaining infrastructure in a state of good repair;

○ Promoting economic competitiveness;

○ Advancing environmentally sustainable transportation policies;

○ Furthering the six "Livability Principles" DOT developed with the Department of Housing and Urban Development and the Environmental Protection Agency as part of the Partnership for Sustainable Communities;

○ Enhancing quality of life; and

○ Building ladders of opportunity to expand the middle class.

(2) Project Delivery Performance:

○ The applicant's track record in successfully delivering previous FRA and DOT grants on time, on budget, and for the full intended scope; and

○ The extent to which the proposed project complements previous FRA or DOT awards.

(3) Region/Location:

○ The extent to which the proposed project increases the economic productivity of land, capital, or labor at specific locations, particularly in economically distressed areas;

○ Ensuring an appropriate level of regional balance across the country; and

○ Ensuring consistency with national transportation and rail network objectives.

(4) Innovation/Resource Development:

○ Pursuing new rail technologies that result in a favorable public return on investment and that ensure delivery of project benefits;

○ Promoting innovations that demonstrate the value of new approaches to safety management, as well as contracting and project delivery; and

○ Promoting domestic manufacturing, supply, and industrial development.

(5) Partnerships:

○ For projects that span multiple jurisdictions (States or local governments), emphasizing those that have organized multi-jurisdictional partnerships with joint planning and prioritization of investments;

○ Strengthening human capital and workforce opportunities, particularly for low-income workers or for people in economically distressed areas;

○ Employing creative approaches to ensure workforce diversity and use of disadvantaged and minority business enterprises, including opportunities for small businesses and disadvantaged business enterprises, including veteran-owned small businesses and service-disabled veteran-owned small businesses; and

○ Engaging local communities and other stakeholder groups in the project in a way that offers an opportunity for meaningful engagement in the process.

(6) Project Readiness:

○ Applicant progress, if any, in reaching compliance with NEPA for the proposed project. It should be noted that NEPA-related work, or a NEPA decision (*e.g.,* a Record of Decision, Finding of No Significant Impact, Categorical Exclusion determination) is not required to apply for funding under this notice;

○ The extent to which a proposed project is consistent with an adopted State-wide transportation or rail plan;

○ The level of detail provided in the submitted SOW, including whether there is enough information to immediately advance the proposed project to award;

○ The level and degree to which the proposed project is dependent on other non-FRA financial contributions and the extent to which these contributions are secure; and

○ Whether there are engineering materials developed and submitted to FRA or materials partially developed that may be available to FRA in the near future to assess the proposed project's design and constructability risks.

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[2] 49 U.S.C. 20167 requires that FRA consider whether the railroad carrier has submitted a railroad safety risk reduction program, as required by 49 U.S.C. 20156. However, because FRA has not promulgated a final rule requiring railroads to develop railroad safety risk reduction programs under section 20156, FRA cannot give weight to this factor.

(7) Other Potential Funding:

○ Whether the applicant has submitted an application for funding under any other rail or transportation infrastructure grant or loan program, such as

1. DOT's TIGER grant program;
2. DOT's FASTLANE grant program;
3. FRA's Railroad Rehabilitation and Improvement Financing loan program; and
4. The Federal Highway Administration's Transportation Infrastructure Finance and Innovation Act loan program.

5.4 Federal Awardee Performance and Integrity Information System (FAPIIS) Review

FRA, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold (see 2 CFR 200.88, Simplified Acquisition Threshold), will review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. FRA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205 (Federal Awarding Agency Review of Risk Posed by Applicants).

Section 6: Administration of Federal Grant Awards

FRA will announce applications selected for funding after the application review period. FRA will contact applicants with successful applications after the announcement with information and instructions about the award process. Notification of a selected application is not an authorization to begin proposed project activities. A formal Notice of Grant Agreement signed by both the grantee and the FRA and containing an approved scope, schedule, and budget, is required before the award is considered complete.

The period of performance for grants awarded under this notice is dependent upon the project and will be determined on a grant-by-grant basis. FRA will only consider written requests to FRA to extend the period of performance with specific and compelling justifications for why an extension is required. Any obligated funding not spent by the grantee and reimbursed by the FRA upon completion of the grant will be de-obligated.

FRA will make awards for projects selected under this notice through cooperative agreements. Cooperative agreements allow for substantial Federal involvement in carrying out the agreed upon investment, including technical assistance, review of interim work products, and increased program oversight under 2 CFR part 200, appendix I. The funding provided under these cooperative agreements will be made available to grantees on a reimbursable basis. Applicants must certify that their expenditures are allowable, allocable, reasonable, and necessary to the approved project before seeking reimbursement from FRA. Additionally, the grantee must expend matching funds at the required percentage alongside Federal funds throughout the life of the project.

6.1 Administrative and National Policy Requirements

Grantees and entities receiving funding from the grantee (sub-recipients and contractors), must comply with all applicable laws and regulations. A non-exclusive list of administrative and national policy requirements that grantees must follow includes: 2 CFR part 200; procurement standards; compliance with Federal civil rights laws and regulations; disadvantaged business enterprises; debarment and suspension; drug-free workplace; FRA's and OMB's Assurances and Certifications; Americans with Disabilities Act; and labor standards, safety oversight, environmental protection, NEPA, environmental justice, and Buy American (41 U.S.C. 8302) provisions.

6.2 General Requirements

The applicant will be required to comply with all standard FRA reporting requirements, including quarterly progress reports, quarterly Federal financial reports, and interim and final performance reports, as well as all applicable auditing, monitoring and close out requirements. Reports may be submitted electronically.

The applicant must comply with all relevant requirements of 2 CFR 180.335 and 180.350.

Section 7: Federal Awarding Agency Contact

For further information regarding this Notice and the Railroad Safety Infrastructure Improvement Grant program, please contact John Winkle, attn.: Mary Ann McNamara, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., Room No. W38–302, Mail Stop 20, Washington, DC 20590; Email: *john.winkle@dot.gov;* Phone: (202) 493–6067; Fax: (202) 493–6333.

Authority: Consolidated Appropriations Act, 2016, Pub. L. 114–113, division L, title I (2015).

Issued in Washington, DC, on April 26, 2016.

Jamie Rennert,

Director, Program Delivery.

[FR Doc. 2016–10077 Filed 4–28–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0051]

Notice and Request for Comments

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The John A. Volpe National Transportation Systems Center (Volpe Center), U.S. DOT, will conduct this study under an interagency agreement with NHTSA. The collection involves case study interviews with law enforcement agency personnel pertaining to their knowledge and practice in using automated license plate readers (ALPR) for traffic safety purposes. The information to be collected will be used to document the state of knowledge and practice in using ALPR for this purpose under the National Cooperative Research and Evaluation Program (NCREP), which is managed jointly by NHTSA and the Governors Highway Safety Association (GHSA). Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment

on proposed collections of information, including extensions and reinstatement of previously approved collections.

DATES: Written comments should be submitted by June 28, 2016.

ADDRESSES: You may submit comments [identified by Docket No. NHTSA–2016–0051] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1 (202) 493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Margaret Petrella, 617–494–3582, The Volpe Center, U.S. Department of Transportation, Economics Analysis Division (V–321), 55 Broadway, Cambridge, MA 02142.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 212—New.

Title: Using Automated License Plate Readers for Traffic Safety Purposes.

Form Numbers: N/A.

Type of Review: New Information Collection.

Abstract: NHTSA's mission is to save lives, prevent injuries, and reduce economic costs due to road traffic crashes, through education, research, safety standards, and enforcement activity. NHTSA has statutory authority (see 23 U.S.C. 403; 49 CFR 1.50; 49CFR part 501) to accomplish this mission. Under the Highway Safety Act of 1966, Section 403, the Secretary of Transportation is required to carry out research and demonstration programs. In addition, the Moving Ahead for Progress in the 21st Century Act (MAP–21), Subsection 402(c), states that the Secretary, acting through the NHTSA Administrator, shall establish a cooperative program to research and evaluate State highway safety countermeasures. MAP–21 provides that this new cooperative research and evaluation program, the *National Cooperative Research and Evaluation Program (NCREP)*, is to be administered by NHTSA and jointly managed by NHTSA and the Governors Highway Safety Association (GHSA). The Volpe Center is providing support to NHTSA under an interagency agreement in establishing and managing this new cooperative Program. Under the NCREP Program, GHSA, in conjunction with NHTSA, identified a need to discover and report on the state of knowledge and practice regarding the use of ALPRs for traffic safety purposes. As part of this project, this information collection activity includes case studies that will be conducted at 9 to 12 law enforcement agency (LEA) sites. Site selection will cover the diversity of LEAs that are deploying ALPR for traffic safety purposes (*e.g.* agencies of different sizes, those operating in different regions of the country), as determined through a thorough review of the literature.

Case studies will involve qualitative interviews with a variety of personnel in each selected LEA. A discussion guide comprised of approximately 15 to 20 questions will be used for each interview. This approach will provide a knowledge base, including rich, contextual information, from those most knowledgeable about the weaknesses and strengths or barriers and incentives to this technology's effective implementation and use for traffic safety purposes.

Affected Public: Law enforcement agency personnel.

Estimated Number of Respondents: Approximately 60 (5 personnel from each agency).

Frequency: One time only.

Number of Responses: 15–20.

Estimated Annual Burden: 45 hours (45 minutes per respondent).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued on: April 26, 2016.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2016–10038 Filed 4–28–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Group to the Internal Revenue Service Tax Exempt and Government Entities Division (TE/GE); Meeting

AGENCY: Internal Revenue Service (IRS), Tax Exempt and Government Entities Division, Treasury.

ACTION: Notice.

SUMMARY: The Advisory Committee on Tax Exempt and Government Entities (ACT) will hold a public meeting on Wednesday, June 8, 2016.

FOR FURTHER INFORMATION CONTACT: Mark O'Donnell, TE/GE Communications and Liaison; 1111 Constitution Ave. NW., SE:T:CL–NCA 676; Washington, DC 20224. Telephone: 202–317–8736 (not a toll-free number). Email address: *tege.advisory.comm@irs.gov.*

SUPPLEMENTARY INFORMATION: By notice herein given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), a public meeting of the ACT will be held on Wednesday, June 8, 2016, from 2:00 p.m. to 4:00 p.m., at the Internal Revenue Service; 1111 Constitution Ave. NW., Room 3313; Washington, DC. Issues to be discussed relate to Employee Plans, Exempt Organizations and Government Entities. A report from five ACT subcommittees covers the following topics:

- *Employee Plans:* Analysis and Recommendations Regarding Changes to the Determination Letter Program
- *Exempt Organizations:* Stewards of the Public Trust: Long-Range Planning for the Future of the IRS and the Exempt Community
- *Federal, State and Local Governments:* Revised FSLG Trainings and Communicating with Small Local Governments
- *Indian Tribal Governments:* Survey of Tribes Regarding IRS Effectiveness with Current Topics of Concerns and Recommendations
- *Tax Exempt Bonds:* Recommendations for Continuous Improvement and Enhancing Resources in the Tax Exempt Bond Market

Last minute agenda changes may preclude advance notice. Due to limited seating and security requirements, attendees must call Nicole Swire to confirm their attendance. Mrs. Swire can be reached at 202–317–8736, or email attendance request to *tege.advisory.comm@irs.gov.* Attendees are encouraged to arrive at least 30 minutes before the meeting begins to allow sufficient time for security clearance. Photo identification must be presented. Please use the main entrance at 1111 Constitution Ave. NW., to enter the building. Should you wish the ACT to consider a written statement, please call 202–317–8736, or write to: Internal Revenue Service; 1111 Constitution Ave. NW.; SE:T:CL—NCA–676, Washington, DC 20224, or: *tege.advisory.comm@irs.gov.*

Dated: April 26, 2016.

Mark F. O'Donnell,

Designated Federal Officer, Tax Exempt and Government Entities Division, Internal Revenue Service.

[FR Doc. 2016–10064 Filed 4–28–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Credit for Renewable Electricity Production and Refined Coal Production, and Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 2016

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Publication of inflation adjustment factor and reference prices for calendar year 2016 as required by sections 45(e)(2)(A) (26 U.S.C. 45(e)(2)(A)) and 45(e)(8)(C) (26 U.S.C. 45(e)(8)(C)) of the Internal Revenue Code.

SUMMARY: The 2016 inflation adjustment factor and reference prices are used in determining the availability of the credit for renewable electricity production and refined coal production and Indian coal production under section 45.

DATES: The 2016 inflation adjustment factor and reference prices apply to calendar year 2016 sales of kilowatt hours of electricity produced in the United States or a possession thereof from qualified energy resources and to 2016 sales of refined coal and Indian coal produced in the United States or a possession thereof.

Inflation Adjustment Factor: The inflation adjustment factor for calendar year 2016 for qualified energy resources and refined coal is 1.5556. The inflation adjustment factor for Indian coal is 1.1934.

Reference Prices: The reference price for calendar year 2016 for facilities producing electricity from wind is 4.50 cents per kilowatt hour. The reference prices for fuel used as feedstock within the meaning of section 45(c)(7)(A) (relating to refined coal production) are $31.90 per ton for calendar year 2002 and $53.74 per ton for calendar year 2016. The reference prices for facilities producing electricity from closed-loop biomass, open-loop biomass, geothermal energy, solar energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy have not been determined for calendar year 2016.

Phaseout Calculation: Because the 2016 reference price for electricity produced from wind (4.50 cents per kilowatt hour) does not exceed 8 cents multiplied by the inflation adjustment factor (1.5556), the phaseout of the credit provided in section 45(b)(1) does not apply to such electricity sold during calendar year 2016. Because the 2016 reference price of fuel used as feedstock for refined coal ($53.74) does not exceed $84.38 (which is the $31.90 reference price of such fuel in 2002 multiplied by the inflation adjustment factor (1.5556) and 1.7), the phaseout of the credit provided in section 45(e)(8)(B) does not apply to refined coal sold during calendar year 2016. Further, for electricity produced from closed-loop biomass, open-loop biomass, geothermal energy, solar energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy, the phaseout of the credit provided in section 45(b)(1) does not apply to such electricity sold during calendar year 2016.

Credit Amount by Qualified Energy Resource and Facility and Refined Coal and Indian Coal: As required by section 45(b)(2), the 1.5 cent amount in section 45(a)(1), the 8 cent amount in section 45(b)(1), and the $4.375 amount in section 45(e)(8)(A) are each adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount is rounded to the nearest multiple of 0.1 cent. In the case of electricity produced in open-loop biomass facilities, small irrigation power facilities, landfill gas facilities, trash facilities, qualified hydropower facilities, and marine and hydrokinetic renewable energy facilities, section 45(b)(4)(A) requires the amount in effect under section 45(a)(1) (before rounding to the nearest 0.1 cent) to be reduced by one-half. Under the calculation required by section 45(b)(2), the credit for renewable electricity production for calendar year 2016 under section 45(a) is 2.3 cents per kilowatt hour on the sale of electricity produced from the qualified energy resources of wind, closed-loop biomass, geothermal energy, and solar energy, and 1.2 cents per kilowatt hour on the sale of electricity produced in open-loop biomass facilities, small irrigation power facilities, landfill gas facilities, trash facilities, qualified hydropower facilities, and marine and hydrokinetic renewable energy facilities. Under the calculation required by section 45(b)(2), the credit for refined coal production for calendar year 2016 under section 45(e)(8)(A) is $6.810 per ton on the sale of qualified refined coal. The credit for Indian coal production under section 45(e)(10)(B) is $2.387 per ton on the sale of Indian coal.

FOR FURTHER INFORMATION CONTACT: Philip Tiegerman, CC:PSI:6, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, (202) 317–6853 (not a toll-free number).

Christopher T. Kelley,

Special Counsel to the Associate Chief Counsel (Passthroughs and Special Industries).

[FR Doc. 2016–10065 Filed 4–28–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 26, 2016.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before May 31, 2016 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimates, or any other aspect of the information collections, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8117, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–1295, or viewing the entire information collection request at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Control Number: 1545–0098.
Type of Review: Revision of a currently approved collection.
Title: Form 1045, Application for Tentative Refund.
Form: 1045.
Abstract: Form 1045 is used by an individual, estate, or trust to apply for a quick tax refund. It must be filed within one year after the end of the year in which a net operating loss, unused general business credit, net section 1256 contracts loss, or claim of right adjustment arose.
Estimated Total Annual Burden Hours: 534,192.

OMB Control Number: 1545–0390.
Type of Review: Extension of a currently approved collection.
Title: Application for Approval of Prototype or Employer Sponsored Individual Retirement Arrangement (IRA).
Form: Form 5306.
Abstract: The Application for Approval of Prototype or Employer Sponsored Individual Retirement Arrangement (IRA) form is used by sponsoring organizations, employers, or employee associations, to request a ruling as to whether a trust or custodial account agreement meets the requirements of Internal Revenue Code (IRC) section 408(a), 408(c), 408(p), or 408A; or whether an individual annuity meets the requirements of section 408(b), 408(p), or 408A.
Estimated Total Annual Burden Hours: 8,244.

OMB Control Number: 1545–0950.
Type of Review: Revision of a currently approved collection.
Title: Application for Enrollment to Practice Before the Internal Revenue Service.
Form: Form 23, Form 23–P.
Abstract: This information collection contains the Application for Enrollment to Practice Before the Internal Revenue Service form and the Application for Enrollment to Practice Before the Internal Revenue Service as an Enrolled Retirement Plan Agent (ERPA) form.
Estimated Total Annual Burden Hours: 2,725.

OMB Control Number: 1545–1190.
Type of Review: Revision of a currently approved collection.
Title: Like-Kind Exchanges.
Form: 8824.
Abstract: Form 8824 is used by individuals, partnerships, and other entities to report the exchange of business or investment property, and the deferral of gains from such transactions under section 1031. It is also used to report the deferral of gain under IRC section 1043 by members of the executive branch of the Federal government.
Estimated Total Annual Burden Hours: 1,995,807.

OMB Control Number: 1545–1276.
Type of Review: Extension of a currently approved collection.
Title: TD 8458—Real Estate Mortgage Investment Conduits.
Abstract: Section 860E(e) imposes an excise tax on the transfer of a residual interest in a REMIC to a disqualified party. The tax must be paid by the transferor of a pass-thru entity of which the disqualified party is an interest holder.
Estimated Total Annual Burden Hours: 525.

OMB Control Number: 1545–1593.
Type of Review: Extension of a currently approved collection.
Title: U.S. Income Tax Return for Qualified Funeral Trusts.
Form: Form 1041–QFT.
Abstract: IRC section 685 allows the trustee of a qualified funeral trust to elect to report and pay the tax for the trust. Data is used to determine that the trustee filed the proper return and paid the correct tax.
Estimated Total Annual Burden Hours: 277,500.

OMB Control Number: 1545–2017.
Type of Review: Extension of a currently approved collection.
Title: Notice 2006–46 Announcement of Rules to be included in Final Regulations under Section 897(d) and (e) of the Internal Revenue Code.
Abstract: This notice announces that the IRS and the Treasury Department will issue final regulations under sections 897(d) and (e) of the IRC that set forth and, to the extent described in this notice, revise, the current rules under sections 1.897–5T and 1.897–6T of the temporary income tax regulations and Notice 89–85, 1989–2 C.B. 403, regarding certain transactions involving the transfer of U.S. real property interests, as defined in section 897(c)(1) of the IRC.
Estimated Total Annual Burden Hours: 500.

OMB Control Number: 1545–2150.
Type of Review: Extension of a currently approved collection.
Title: Notice 2009–58, Manufacturers' Certification of Specified Plug-in Electric Vehicles.
Abstract: The American Recovery and Reinvestment Act of 2009 provides, under § 30 of the IRC, a credit for certain new specified plug-in electric drive vehicles. This notice provides procedures for a vehicle manufacturer to certify to the IRS that a vehicle meets the statutory requirements for the credit, and to certify the amount of the credit available with respect to the motor vehicle. The notice also provides guidance to taxpayers who purchase motor vehicles regarding the conditions under which they may rely on the vehicle manufacturer's certification.
Estimated Total Annual Burden Hours: 250.

Brenda Simms,
Treasury PRA Clearance Officer.
[FR Doc. 2016–10087 Filed 4–28–16; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 26, 2016.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before May 31, 2016 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimates, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8117, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–1295, or viewing the entire information collection request at *www.reginfo.gov.*

Departmental Offices

OMB Control Number: 1505–0167.
Type of Review: Extension of a currently approved collection.
Title: Persons Providing Remittance Forwarding Services to Cuba.
Abstract: The information is required of persons subject to the jurisdiction of the United States who make remittances to persons in Cuba pursuant to the

general licenses in section 515.570 of the Cuban Assets Control Regulations, 31 CFR part 515. The information will be used by the Office of Foreign Assets Control to monitor compliance with regulations governing unlimited family and family inherited remittances, donative remittances, unlimited remittances to religious organizations, remittances to students in Cuba pursuant to an educational license, limited emigration remittances, and periodic remittances from blocked accounts.

Affected Public: Individuals or households; businesses or non-profits.

Estimated Total Annual Burden Hours: 116,667.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2016–10086 Filed 4–28–16; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 26, 2016.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before May 31, 2016 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimates, or any other aspect of the information collections, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8117, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–1295, or viewing the entire information collection request at *www.reginfo.gov.*

Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Control Number: 1513–0035.

Type of Review: Revision of a currently approved collection.

Title: Inventory—Export Warehouse Proprietor.

Form: TTB F 5220.3.

Abstract: Export warehouse proprietors use TTB F 5220.3 to record inventories of tobacco products, cigarette papers and tubes, and processed tobacco as required by Federal law at 26 U.S.C. 5721 and by the TTB regulations.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 430.

OMB Control Number: 1513–0063.

Type of Review: Revision of a currently approved collection.

Title: Stills: Notices, Registration, and Records (TTB REC 5150/8).

Abstract: The Internal Revenue Code (IRC) at 26 U.S.C. 5101 and 5179, and the related implementing regulations have, through notice, registration, and recordkeeping requirements, established a comprehensive system for regulating stills. This information collection covers the collections of information mandated or authorized by law or regulation with respect to stills, and consists of notices regarding the manufacture and set up of stills, the registration of stills, notices regarding changes in ownership or location of stills, and records related to these notices and registrations. TTB uses this information to identify distillers and to account for and regulate the distillation of spirits to protect the revenue.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 42.

OMB Control Number: 1513–0064.

Type of Review: Revision of a currently approved collection.

Title: Importer's Records and Reports (TTB REC 5170/1).

Abstract: This recordkeeping and reporting requirement concerns the records which must be maintained by the importer as well as the letterhead applications and notices required to be submitted to TTB. The records are used by TTB to verify that operations are being conducted in compliance with the law and to ensure that all taxes and duties have been paid on imported spirits, thus protecting the revenue.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 251.

OMB Control Number: 1513–0068.

Type of Review: Revision of a currently approved collection.

Title: Records of Operations—Manufacturer of Tobacco Products or Processed Tobacco (TTB REC 5210/1).

Abstract: Under the IRC at 26 U.S.C. 5741, manufacturers of tobacco products or processed tobacco are required to keep such records as the Secretary of the Treasury prescribes by regulation. The TTB regulations specify the records that such manufacturers must keep, including records showing the information necessary to provide adequate accountability over the receipt, production, and disposition of these commodities in order to prevent diversion and protect Federal excise tax revenue.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 500.

OMB Control Number: 1513–0070.

Type of Review: Revision of a currently approved collection.

Title: Tobacco Export Warehouse—Record of Operations (TTB REC 5220/1).

Abstract: In general, export warehouses store untaxpaid tobacco products, processed tobacco, and cigarette papers and tubes until these commodities are exported. Under the authority of the IRC at 26 U.S.C. 5741, the TTB regulations require certain records of receipt and disposition of these commodities in order to protect the revenue and prevent diversion. The required records allow TTB to verify that the commodities have been exported or that Federal tobacco excise tax liabilities have been satisfied.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1.

OMB Control Number: 1513–0072.

Type of Review: Revision of a currently approved collection.

Title: Applications and Notices—Manufacturers of Nonbeverage Products (TTB REC 5530/1).

Abstract: Under the authority of 26 U.S.C. 5132, TTB regulations require that letterhead applications and notices be submitted by manufacturers of nonbeverage products who are using distilled spirits on which drawback will be claimed. TTB uses this information to ensure that operations are in compliance with the law, to prevent spirits from being diverted to beverage use, and to protect the revenue.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 515.

OMB Control Number: 1513–0077.

Type of Review: Revision of a currently approved collection.

Title: Records of Things of Value to Retailers, and Occasional Letter Reports from Industry Members Regarding

Information on Sponsorships, Advertisements, Promotions, etc., under the FAA Act (TTB REC 5190/1).

Abstract: These records and occasional letter reports are used to show compliance with the trade practices provisions of the Federal Alcohol Administration Act at 27 U.S.C. 205(b), which prevent alcohol beverage wholesalers, producers, or importers from giving things of value to retail liquor dealers, and which prohibit industry members from conducting certain types of sponsorships, advertisements, promotions, etc., unless the practice is specifically exempted by regulation.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 21.

OMB Control Number: 1513–0078.

Type of Review: Revision of a currently approved collection.

Title: Application for Permit to Manufacture or Import Tobacco Products or Processed Tobacco or to Operate an Export Warehouse and Applications to Amend.

Form: TTB F 5200.3, TTB F 5200.16, TTB F 5230.4, TTB F 5230.5.

Abstract: The IRC, at 26 U.S.C. 5712 and 5713, requires that manufacturers and importers of tobacco products or processed tobacco and export warehouse proprietors apply for and obtain a permit before engaging in such operations. Tobacco industry members use the applications that make up this information collection to obtain the new, or amend the existing, TTB permits necessary to engage in these businesses.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 2,277.

OMB Control Number: 1513–0080.

Type of Review: Revision of a currently approved collection.

Title: Distilled Spirits Plant Equipment and Structures (TTB REC 5110/12).

Abstract: In general, the IRC at 26 U.S.C. 5001 imposes a Federal excise tax of $13.50 per proof gallon on all distilled spirits, other than those used for certain authorized industrial or nonbeverage purposes, produced or imported into the United States. To safeguard the revenue from this tax and facilitate inspections, the IRC at 26 U.S.C. 5178 authorizes the Secretary to issue regulations relating to the location, construction, and arrangement of distilled spirits plants (DSPs), including requirements for the identification of their distilling apparatus, pipes, pumps, tanks, and machinery. The IRC at 26 U.S.C. 5180 requires each DSP proprietor to post an exterior sign at their place of business, in such form and containing such information as the Secretary by regulation prescribes, identifying the proprietor, and the business or businesses in which the proprietor is engaged. In addition, 26 U.S.C. 5206 requires that containers of distilled spirits be "marked, branded, or identified" in such manner as the Secretary prescribes.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1.

OMB Control Number: 1513–0084.

Type of Review: Revision of a currently approved collection.

Title: Labeling of Sulfites in Alcohol Beverages.

Abstract: In accordance with TTB's consumer protection responsibilities, as mandated by law, we require label disclosure statements on all alcoholic beverage products released from U.S. bottling premises or customs custody that contain 10 parts per million or more of sulfites. Sulfites have been shown to cause allergic reactions in certain persons, and this label disclosure warns such persons of the presence of sulfites in alcohol beverages so that they may avoid this allergen.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 12,798.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2016–10085 Filed 4–28–16; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

United States Mint

Extension of Suspension of Coin Exchange by United States Mint

ACTION: Notice.

SUMMARY: Under the authority of 31 U.S.C. 5120, the United States Mint established a program by which people and businesses could exchange bent and partial coins for reimbursement. Fused or mixed coins cannot be redeemed by the United States Mint.

On November 2, 2015, the United States Mint suspended the exchange program for a period of six months to assess the security of the program and develop additional safeguards, as necessary, to ensure the integrity of United States coinage. Since that time, the United States Mint has made significant progress in assessing the current state of the program, evaluating risks, and identifying potential remedial measures. Additionally, the United States Mint has engaged the services of an independent contractor to assist us in these efforts. However, due to recent litigation involving the exchange program and more time needed to complete our work, the United States Mint is extending the suspension of its redemption of bent and partial coins for an additional period of six months.

DATES: Effective May 2, 2016.

FOR FURTHER INFORMATION CONTACT: Tom Jurkowsky; Director, Office of Corporate Communications; United States Mint; Washington, DC; at (202) 354–7720 or *tom.jurkowsky@usmint.treas.gov.*

Authority: 31 U.S.C. 5120.

Dated: April 26, 2016.

Richard A. Peterson,

Deputy Director for Manufacturing and Quality, United States Mint.

[FR Doc. 2016–10123 Filed 4–28–16; 8:45 am]

BILLING CODE P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
1985

FEDERAL REGISTER

Vol. 81 Friday,
No. 83 April 29, 2016

Part II

Department of Labor

Privacy Act of 1974; Publication in Full of All Notices of Systems of Records, Including Several New Systems, Substantive Amendments to Existing Systems, Decommissioning of Obsolete Legacy Systems, and Publication of Proposed Routines Uses; Notice

DEPARTMENT OF LABOR

Office of the Secretary

Privacy Act of 1974; Publication In Full of All Notices of Systems of Records, Including Several New Systems, Substantive Amendments to Existing Systems, Decommissioning of Obsolete Legacy Systems, and Publication of Proposed Routines Uses

AGENCY: Office of the Secretary, Labor.

ACTION: Notice: Publication In Full of All Notices of Systems of Records, including several new systems; substantive amendments to systems; decommissioning of obsolete legacy systems; and publication of new universal routine uses for all system of records.

SUMMARY: This notice provides a complete publication of all Department of Labor Systems of Records. This notice proposes two new universal routine uses to the systems. This notice will update our last complete publication in full which appeared in the **Federal Register** on April 8, 2002. In addition to the 21 new systems which are being published for the first time, the notice proposes substantive and nonsubstantive amendments to 108 other systems that have been previously published. The notice also deletes 43 systems. Changes to the systems are summarized in the introductory portion of the Supplementary Information section.

DATES: Persons wishing to comment on the changes set out in this notice may do so on or before June 8, 2016.

Effective Date: Unless there is a further notice in the **Federal Register,** these proposed 21 new systems of records and 108 amended systems of records and decommissioned 43 existing systems of records, as well as the two new routine uses, will become effective on June 23, 2016.

FOR FURTHER INFORMATION CONTACT: Written comments may be sent to Joseph J. Plick, Counsel for FOIA and Information Law, Office of the Solicitor, Department of Labor, 200 Constitution Avenue NW., Room N–2420, Washington, DC 20210, telephone (202) 693–5527, or by email to *plick.joseph@dol.gov.*

SUPPLEMENTARY INFORMATION:

1. Background

notice of 147 systems of records maintained under the Act. In February 2003, a new system of records was published on behalf of the Office of the 21st Century Workforce, entitled DOL/21st CENTURY–1, *Correspondents with the Office of the 21st Century Workforce,* which appeared at 68 FR 6185 (February 6, 2003). Additionally, in September 2003, the Department amended two existing systems of records, which appear at 68 FR 54012 (September 15, 2003).

On January 11, 2012, the Department published five new and five amended systems of records, which appears at 77 FR 1728 (January 11, 2012). In 2014 the Department published a notice of the addition of five new SORNs, amendment of nine existing SORNs and decommissioning of five SORNs, which appears at 79 FR 8489 (February 12, 2014). The Notice became effective on April 8, 2014. Finally on July 6, 2015 the Department published a SORN for DOL/VETS–5, *Veterans' Data Exchange Initiative (VDEI).* This system contains records related to Exiting Service Members (ESMs) participating in the United States Department of Defense (DOD) Pre-separation Counseling of the Transition Assistance Program. The Notice became effective on August 31, 2015.

2. The Current Action

Pursuant to section three of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4), the Department hereby publishes an updated consolidated publication in full for all 129 systems of records, including 21 new systems; 108 amended systems; and 43 decommissioned systems. A chart listing all of the actions the Department has taken with regards to its systems of records is attached as Appendix A to this notice. This notice also proposes two new universal routine uses to be added to the Department's current list of 12 universal routine uses, making a total of 14 universal routine uses. These universal routine uses apply across the board to all of the Department's system of records.

A. New Universal Routine Uses

1. The first proposed new Universal Routine Use to the General Prefatory Statement (new Universal Routine Use #13) permits the Department to disclose information to a State or local government that has legal authority to make decisions about the issuance, retention and revocation of licenses, certifications, or permits. The second proposed new Universal Routine Use to the General Prefatory Statement (new Universal Routine Use #14) permits the Department to disclose information to the United States Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) that will be included in the National Instant Criminal Background Check System (NICS).

B. Proposed Decommissioned Systems

The Department proposes to decommission 43 legacy systems of records. The decommissioned systems are listed in the Notice of Decommissioned Systems of Records, Section E below. Notably, the Department proposes to decommission a group of legacy systems entitled Employment Standards Administration (ESA), because that agency no longer exists due to a Departmental reorganization. The ESA legacy systems will be renamed as a system that relates to each of the constituent parts of the former ESA agency namely, The Office of Workers' Compensation Programs (OWCP), The Wage and Hour Division (WHD), The Office of Federal Contract Compliance Programs (OFCCP), and The Office of Labor-Management Standards (OLMS). Additionally, the Department proses to decommission a second group of legacy systems entitled Pension and Welfare Benefits Administration (PWBA). Several of the former PWBA systems will be renamed as an Employee Benefits Security Administration (EBSA) system.

C. Proposed New Systems

1. The first proposed new system is entitled DOL/CENTRAL–7, *DOL Employee Conduct Investigation Files.* This system contains information related to records of employee(s) misconduct or violations of law such as, investigative report(s), sworn affidavits, written statements, time and attendance records, earnings and leave statements, applications for leave.

2. The second proposed new system is entitled DOL/EBSA–1, *The Employment Retirement Income Security Act of 1974 (ERISA), Filing and Acceptance System 2-One Participant Plans Filing a Form 5500SF.* This system contains records related to information contained on all fields of the Form 5500SF form.

3. The third proposed new system is entitled DOL/EBSA–11, *ERISA Filing and Acceptance System Internet Registration Database (IREG).* This system contains records of personally

(DFVC) Tracking System; Delinquent Filer Voluntary Compliance Program 99. This system contains records of the plan name, plan administrator's name, service provider's name, and trustee's name involved in the DFVC programs, among other things.

5. The fifth proposed new system is entitled DOL/EBSA–13, *OCA Case Tracking System.* This system contains paper and electronic records of individuals involved in investigations and enforcement actions.

6. The sixth proposed new system is entitled DOL/EBSA–14, *Office of Health Plans Standards and Compliance Assistance (OHPSCA) Case Tracking System.* This system contains records of personally identifiable information of requestors.

7. The seventh proposed new system is entitled DOL/EBSA–15, *Fee Disclosure Failure Notice Database.* This system contains records of plan name, fiduciary's name, and service provider's name relating to contracts and arrangements between plans and service providers.

8. The eighth proposed new system is entitled DOL/ETA–30, *DOL Employment and Training Administration (ETA) Evaluation, Research, Pilot or Demonstration Contractors' Project Files.* This system contains records related to Workforce Investment Act and Workforce Innovation and Opportunities Act participants' personally identifiable information, characteristics of program participants, description of program activities, and services received by participants, among other things, obtained after the completion of the program.

9. The ninth proposed new system is entitled DOL/ETA–31, *The Enterprise Business Support System (EBSS).* This system contains records related to initial requests under the Workforce Investment Act and its successor statutes, responses, and related documents.

10. The tenth proposed new system is entitled DOL/ETA–32, *Contract Officer Files.* This system contains records of the names, job title, qualifications and other human resource information relating to contracting officers or other contracting personnel.

11. The eleventh proposed new system is entitled DOL/OASAM–37, *Personal Identity Verification Credential.* This system contains records related to personally identifiable information such as names, birth date technology systems of information classified in the interest of national security.

12. The twelfth proposed new system is entitled DOL/OIG–6, *Hotline and Complaints Analysis Files.* This system contains records of complaints and allegations of waste, fraud, abuse and violations of the law or other authorities.

13. The thirteenth proposed new system is entitled OIG–7, *Correspondence Tracking System.* This system contains records of correspondence to and from the OIG.

14. The fourteenth proposed new system is entitled DOL/OIG–8, *Office of Inspector General (OIG) Employee Credential System.* This system contains personally identifiable information related to the credentials of all DOL personnel.

15. The fifteenth proposed new system is entitled DOL/OIG–9, *OIG Property Tracking Systems.* This system contains records related to OIG owned and leased property, and the employees that are assigned such property.

16. The sixteenth proposed new system is entitled DOL/OIG–10, *Office of Inspector General (OIG) Pre-employment Checks and Inquiries (PECI) System.* This system contains records related to pre-employment clearance forms and reports filed individuals, and federal and other law enforcement records related to background checks.

17. The seventeenth proposed new system is entitled DOL/OIG–11, *Investigative Files Case Tracking System, Case Development and Intelligence Records, USDOL/OIG.* This system contains records related to individuals associated with OIG investigative operations and activities.

18. The eighteenth proposed new system is entitled DOL/SOL–18, *Matter Management System.* This system contains records related to pending and active litigation, opinion and advice, and regulation review legal services provided to support DOL and its component agencies.

19. The nineteenth proposed new system is entitled DOL/SOL–19, *Evidence Management System.* This system contains individuals, government or organizations records related to pleadings, court records, witness statements or other documents that may be filed with or obtained by DOL.

20. The twentieth proposed new system is entitled DOL/VETS–5, States Department of Defense (DOD) Pre-separation Counseling of the Transition Assistance Program.

21. The twenty-first proposed new system is entitled DOL/VETS–6, Veterans' Case Management System (VCMS). This system contains records related to USERRA, VP, and the TAP Employment Workshop.

D. Proposed Amended Systems

22. The first proposed amended system of records is entitled DOL/GOVT–1, *Office of Workers' Compensation Programs, Federal Employees' Compensation Act File.* The Department proposes to amend this system to update the System Location, Categories of Records in the System, and the Routine Uses of Records Maintained in the System.

23. The second proposed amended system of records is entitled DOL/GOVT–2, *Job Corps Students Records.* The Department proposes to amend this system to amend one routine use and to update the Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, Notification Procedures, and Records Access, and several other categories.

24. The third proposed amended system of records is entitled DOL/CENTRAL–1, *Correspondents with the Department of Labor.* The Department proposes to amend this system to refine several of the categories.

25. The fourth proposed amended system of records is entitled DOL/CENTRAL–2, *Registrants for Department of Labor Events and Activities.* The Department proposes to amend this system to update the Retention and Disposal section, and several other categories.

26. The fifth proposed amended system of records is entitled DOL/CENTRAL–3, *Internal Investigations of Harassing Conduct.* The Department proposes to amend this system to update the System Name, Security Classification, Categories of Individuals Covered by the System, and several other categories.

27. The sixth proposed amended system of records is entitled DOL/CENTRAL–4, *Department of Labor Advisory Committee Members Files.* The Department proposes to amend this system to update the Notification Procedure, Record Access Procedure, Contesting Record Procedure, and several other categories.

28. The seventh proposed amended system of records is DOL/CENTRAL–5

Records Maintained in the System, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, Notification Procedures, and several other categories.

29. The eighth proposed amended system of records is DOL/CENTRAL–6, *Supervisor's/Team Leader's Records of Employees.* The Department proposes to amend this system to update the System Number, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, Notification Procedures, and several other categories.

30. The ninth proposed amended system of records is entitled DOL/ADJBDS–1, *DOL Appeals Management System (AMS).* The Department proposes to amend this system to update the Authority for Maintenance of the System section.

31. The tenth proposed amended system of records is entitled DOL/BLS–3, *Staff Time Utilization System.* The Department proposes to amend this system to update the System Name, System Location, Categories of Individuals Covered by the System, Purposes, and several other categories.

32. The eleventh proposed amended system of records is entitled DOL/BLS–8, *Automated Training Request Application (ATRA).* The Department proposes to amend this system to update the Categories of Records in the System, Purposes, System Manager(s) and Address, and several other categories.

33. The twelfth proposed amended system of records is entitled DOL/BLS–9, *Routine Administrative Files.* The Department proposes to amend this system to update the Categories of Records in the System, Purposes, Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing, and several other categories.

34. The thirteenth proposed amended system of records is entitled DOL/BLS–10, *Commissioner's Correspondence Control System.* The Department proposes to amend this system to update the System Location, Categories of Individuals Covered by the System, Authority for Maintenance of the System, and several other categories.

35. The fourteenth proposed amended system of records is entitled DOL/BLS–11, *Mainframe User ID Database.* The Department proposes to amend this system to update the System Location, Purpose, and Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System, and several other categories.

36. The fifteenth proposed amended system of records is entitled DOL/BLS–13, *National Longitudinal Survey of Youth 1979 (NLSY79) Database.* The Department proposes to amend this system to update the System Location, Categories of Individuals Covered by the System, Categories of Records in the System, and several other categories.

37. The sixteenth proposed amended system of records is entitled DOL/BLS–14, *BLS Behavioral Science Research Laboratory Project Files.* The Department proposes to amend this system to update the System Location, Policies and Practices for Storing, Retrieving Accessing, Retaining, and Disposing of the Records in the System, and several other categories.

38. The seventeenth proposed amended system of records is entitled DOL/BLS–17, *National Longitudinal Survey of Youth 1997 (NLSY97) Database.* The Department proposes to amend this system to update the System Location, Categories of Records in the System, Retention and Disposal and several other categories.

39. The eighteenth proposed amended system of records is entitled DOL/BLS–18, *Postal Square Building Parking Management Records.* The Department proposes to amend this system to update the System Location, Purposes, Routine Uses of records in the System, and several other categories.

40. The nineteenth proposed amended system of records is entitled DOL/BLS–19, *Customer Information Files.* The Department proposes to amend this system to update the Categories of Individuals Covered by the System, Purposes, and Policies and Practices for storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System, along with several other categories.

41. The twentieth proposed amended system of records is entitled DOL/BLS–20, *Fellowship Applicants and Recipients Files.* The Department proposes to amend this to update the Retrievability, Safeguards, Retention and Disposal, and several other categories.

42. The twenty-first proposed amended system of records is entitled DOL/EBSA–2, *EBSA Correspondence.* The Department proposes to amend this to update the Authority for Maintenance of the System, Retention and Disposal, Notification Procedure, and several other categories.

43. The twenty-second proposed amended system is entitled DOL/EBSA–3, *Technical Assistance and Inquiries System.* The Department proposes to amend this to update the System Number, Authority for Maintenance of the System, Retention and Disposal, Notification Procedure, and several other categories.

44. The twenty-third proposed amended system is entitled DOL/EBSA–4, *Public Disclosure Request Tracking System.* The Department proposes to amend this to update the System Number, System Location, Authority for the Maintenance of the System, Purposes, and several other categories.

45. The twenty-fourth proposed amended system is entitled DOL/EBSA–5, *EBSA Debt Management System.* The Department proposes to amend this to update the System Number, Security Classification, System Location, and Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records categories.

46. The twenty-fifth proposed amended system is entitled DOL/EBSA–6, *EBSA Consolidated Training Record.* The Department proposes to amend this to update the System Number, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, Notification Procedures category.

47. The twenty-sixth proposed amended system is entitled DOL/EBSA–7, *Office of Enforcement Correspondence Tracking System DFO CTS.* The Department proposes to amend this to update the System Number, Authority for the Maintenance of the System, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, Notification Procedures, and several other categories.

48. The twenty-seventh proposed amended system is entitled DOL/EBSA–8, *EBSA Enforcement Management System (electronic); EBSA Civil Litigation Case Tracking System (paper); EBSA Criminal Case Information System (paper).* The Department proposes to amend this to update the System Number, Security Classification, Authority for the Maintenance of the System, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, Routine Uses, Notification Procedures, and several other categories.

49. The twenty-eighth proposed amended system is entitled DOL/EBSA–9, *Office of Exemption Determinations (OED) ERISA Section 502(1) Files; OED Case Tracking System.* The Department proposes to amend this to update the System Number, Security Classification, Authority for the Maintenance of the System, and Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, and Notification Procedures categories.

50. The twenty-ninth proposed amended system is entitled DOL/EBSA–10, *Form 5500EZ Filings.* The Department proposes to amend this to

update the System Number, Authority for the Maintenance of the System, Purposes, and Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, and Notification Procedures categories.

51. The thirtieth proposed amended system of records is entitled DOL/EBSA–11, ERISA Filing and Acceptance System 2 Internet Registration Database (IREG). The Department proposes to amend this to update the System Number, Authority for the Maintenance of the System, Purposes, and Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, Routine Uses, Notification Procedures, and several other categories.

52. The thirty-first proposed amended system of records is entitled DOL/EBSA–12, Delinquent Filer Voluntary Compliance Program (DFVC) Tracking System; Delinquent Filer Voluntary Compliance Program 99. The Department proposes to amend this to update the Authority for Maintenance of the System, Retention and Disposal, Notification Procedure, and several other categories.

53. The thirty-second proposed amended system of records is entitled DOL/EBSA–13, OCA Case Tracking System. The Department proposes to amend this to update the Authority for Maintenance of the System, Retention and Disposal, Notification Procedure, and several other categories.

54. The thirty-third proposed amended system of records is entitled DOL/EBSA–14, Office of Health Plans Standards and Compliance Assistance (OHPSCA) Case Tracking System. The Department proposes to amend this to update the Authority for Maintenance of the System, Retention and Disposal, Notification Procedure, and several other categories.

55. The thirty-fourth proposed amended system of records is entitled DOL/EBSA–15, Fee Disclosure Failure Notice Database. The Department proposes to amend this to update the Authority for Maintenance of the System, Retention and Disposal, Notification Procedure, and several other categories.

56. The thirty-fifth proposed amended system of records is entitled DOL/OMBUDSMAN–1, *Office of the Ombudsman for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) File.* The Department proposes to amend this system to update the Routine Uses of Records Maintained in the System category.

57. The thirty-sixth proposed amended system of records is entitled DOL/ETA–1, *Office of Apprenticeship, Budget and Position Control Files.* The Department proposes to amend this system to update the System Name, System Location, and several other categories.

58. The thirty-seventh proposed amended system of records is entitled DOL/ETA–4, *Registered Apprenticeship Partners Information Data System (RAPIDS).* The Department proposes to amend this system to update the System Name, System Location, Routine Uses, and several other categories.

59. The thirty-eighth proposed amended system of records is entitled DOL/ETA–7, *Employer Labor Certification System and Employer Application Case Files.* The Department proposes to amend this system to update the System Name, System Location, Categories of Individuals Covered by the System, Categories of Records in the System, Routine Uses, and several other categories.

60. The thirty-ninth proposed amended system of records is entitled DOL/ETA–8, *Job Corps Student Pay, Allotment and Management Information System (SPAMIS).* The Department proposes to amend this system to update the System Location, Routine Uses, and several other categories.

61. The fortieth proposed amended system of records is entitled DOL/ETA–16, *Employment and Training Administration Investigation File.* The Department proposes to amend this system to update the System Location, Categories of Individuals covered by the System, and several other categories.

62. The forty-first proposed amended system of records is entitled DOL/ETA–20, *Federal Bonding Program, Bondees Certification Files.* The Department proposes to amend this system to update the System Location, Categories of Individuals Covered by the System, Authority for Maintenance of the System, and several other categories.

63. The forty-second proposed amended system of records is entitled DOL/ETA–24, *Grant Officer Files.* The Department proposes to amend this system to update the System Name, System Location, Categories of Individuals Covered by the System, and several other categories.

64. The forty-third proposed amended system of records is entitled DOL/ETA–29, *National Agricultural Workers Survey (NAWS) Research Files.* The Department proposes to amend this system to update the Security Classification, Authority for Maintenance of the System, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, Notification Procedures, and several other categories.

65. The forty-fourth proposed amended system of records is entitled DOL/MSHA–1, *Mine Safety and Health Administration Standard Information System (MSIS).* The Department proposes to amend this system by renaming the system and migrating eight other systems of records to this system. MSIS is an umbrella information system in which some but not all records are covered under the Privacy Act. MSIS provides centralized access to records already covered by nine current systems of records: DOL/MSHA–1, MSHA–3, MSHA–10, MSHA–13, MSHA–15, MSHA–18, MSHA–20, MSHA–21, and MSHA–24. This notice consolidates these nine systems under a single SORN. This SORN describes the records within MSIS that are covered under the Privacy Act. The Department also proposes to amend this system notice to update the System Location and Categories of Records in the System, among other amendments specific to particular categories of MSIS records.

66. The forty-fifth proposed amended system of records is entitled DOL/MSHA–22, *Educational Policy and Development; National Mine Health and Safety Academy Permanent Record Card or Student Information System.* The Department proposes to amend this system to update the System Name, Security Classification, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing Section, Notification Procedure, and several other categories.

67. The forty-sixth proposed amended system of records is entitled DOL/MSHA–23, *Educational Policy and Development Activity Reporting System.* The Department proposes to amend this system to update the System Name, System Location, Categories of Records in the System, and several other categories.

68. The forty-seventh proposed amended system of records is entitled DOL/OALJ–1, *Office of Administrative Law Judges Case Tracking System.* The Department proposes to amend this system to update the System Name, Authority for Maintenance of the System, and several other categories.

69. The forty-eighth proposed amended system of records is entitled DOL/OALJ–2, *Office of the Administrative Law Judges Case Files.* The Department proposes to amend this system to update the Authority for Maintenance of the System, Retention and Disposal, and several other categories.

70. The forty-ninth proposed amended system of records is entitled DOL/OASAM–4, *Safety and Health Information Management System*

(SHIMS). The Department proposes to amend this system to update the System Name, System Location, Categories of Individuals Covered by the System, Authority for Maintenance of the System, and several other categories.

71. The fiftieth proposed amended system of records is entitled DOL/OASAM–5, *Employee Assistance Program (EAP) Records.* The Department proposes to amend this system to update the System Name, System Location, Categories of Records in the System, Authority for Maintenance of the System, and several other categories.

72. The fifty-first proposed amended system of records is entitled DOL/OASAM–7, *Employee Medical File System Records (Not Job Related).* The Department proposes to amend this system to update the System Name and Routine Uses sections.

73. The fifty-second proposed amended system of records entitled DOL/OASAM–12, *Administrative Grievance Records.* The Department proposes to amend this system to update the System Location and Categories of Individuals Covered by the System sections.

74. The fifty-third proposed amended system of records entitled DOL/OASAM–19, *Negotiated Grievance Procedure and Unfair Labor Practice Files.* The Department proposes to amend this system to update the Categories of Individuals Covered by the System and Categories of Records in the System sections.

75. The fifty-fourth proposed amended system of records is entitled DOL/OASAM–20, *Personnel Investigation Records.* The Department proposes to amend this system to update the System Location, Retrievability and Safeguards Sections, Disclosure to Consumer Reporting Agencies, and several other categories.

76. The fifty-fifth proposed amended system of records is entitled DOL/OASAM–22, *Civil Rights Center Discrimination Complaint Case Files.* The Department proposes to amend this system to update the System Name, Categories of Individuals Covered by the System, Purpose(s), Routine Uses of Records Maintained in the System sections, Authority for Maintenance of the System, and several other categories.

77. The fifty-sixth proposed amended system of records is entitled DOL/OASAM–25, *Intergovernmental Personnel Act Assignment Records.* The Department proposes to amend this system to update the Categories of Individuals Covered by the System, Disclosure to Consumer Reporting Agencies, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

78. The fifty-seventh proposed amended system of records is entitled DOL/OASAM–26, *Frances Perkins Building Parking Management System.* The Department proposes to amend this system to update the Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System Section.

79. The fifty-eighth proposed amended system of records is entitled DOL/OASAM–27, *Employee/Contractor/Visitor Identification System.* The Department proposes to amend this system to update the System Name, System Location, Categories of Individuals, Categories of Records in the System, the System Manager, and several other categories.

80. The fifty-ninth proposed amended system of records is entitled DOL/OASAM–28, *Incident Report/Restriction Notice.* The Department proposes to amend this system to update the System Location, Categories of Individuals and Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records. In addition, the System Manager, and several other categories are proposed to be refined.

81. The sixtieth proposed amended system of records is entitled DOL/OASAM–29, *OASAM Employee Administrative Investigation File.* The Department proposes to amend this system to update the System Location, Categories of Individuals, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records, the System Manager, and several other categories.

82. The sixty-first proposed amended system of records is entitled DOL/OASAM–30, *Injury Compensation System (ICS).* The Department proposes to amend this system to update the System Location, Authority for Maintenance of the System, and several other categories.

83. The sixty-second proposed amended system of records is entitled DOL/OASAM–31, *DOL Flexible Workplace Programs Evaluation and Files.* The Department proposes to amend this system to update the System Name, Categories of Individuals Covered by the System.

84. The sixty-third proposed amended system of records is entitled DOL/OASAM–32, *Transit Subsidy Management System.* The Department proposes to amend this system to update the Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records section.

85. The sixty-fourth proposed amended system of records is entitled DOL/OASAM–34, *DOL Fitness Association (DOLFA) Membership Files.* The Department proposes to amend this system to update the Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System, Notification Procedures, Record Access Procedure, and other categories.

86. The sixty-fifth proposed amended system of records is entitled DOL/OASAM–35, *DOL Childcare Subsidy Programs Records.* The Department proposes to amend this system to update the System Manager's Name and Address, and Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records sections.

87. The sixty-sixth proposed amended system of records is entitled DOL/OCFO–2, *New Core Financial Management System (NCFMS).* The Department proposes to amend this system to update the Categories of Individuals Covered by the System, Categories of Records in the System, Authority for Maintenance of the System, and several other categories.

88. The sixty-seventh proposed amended system of records is entitled DOL/OCFO–3, *Travel and Transportation System.* The Department proposes to amend this system to update Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System, Notification Procedure, Records Access Procedure, Contesting Record Procedure, and several other categories.

89. The sixty-eighth proposed amended system of records is entitled DOL/ODEP–1, *Job Accommodation Network (JAN) Files.* The Department proposes to amend this system to update the Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System category.

90. The sixty-ninth proposed amended system is entitled DOL/OFCCP–1, *Office of Federal Contract Compliance Programs, Executive Management Information System (OFCCP/EIS) which includes the Case Management System (CMS), and the Time Reporting Information System (TRIS).* The Department proposes to amend this system to update the System Number, Security Classification, Categories of Individuals Covered by the System, and Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records categories.

91. The seventieth proposed amended system is entitled DOL/OFCCP–2, *Office of Federal Contract Compliance Programs Complaint Case Files.* The Department proposes to amend this system to update the System Number, Security Classification, Routine Uses of records Maintained in the System, and Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records, and several other categories.

92. The seventy-first proposed amended system of records is entitled DOL/OIG–2, *Freedom of Information/Privacy Acts Records.* The Department proposes to amend this system to update the System Number and refine several categories.

93. The seventy-second proposed amended system of records is entitled DOL/OIG–5, *Audit Information Reporting Team Tech Tracking Systems.* The Department proposes to amend this system to update the System Number, Security Classification, and Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records categories.

94. The seventy-third proposed amended system is entitled DOL/OLMS–1, *Investigative Files of the Office of Labor-Management Standards.* The Department proposes to amend this system to update the System Number, Routine Uses of Records Maintained in the System, Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records, and several other categories.

95. The seventy-fourth proposed amended system is entitled DOL/OLMS–2, *OLMS Public Disclosure Request Tracking System.* The Department proposes to amend this system to update the System Number, System Location, Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records, and several other categories.

96. The seventy-fifth proposed amended system of records is entitled DOL/OSHA–1, *Retaliation Complaint Files.* The Department proposes to amend this system to update the System Name, Categories of Individuals Covered by the System, Authority for Maintenance of the System, System Location, and several other categories.

97. The seventy-sixth proposed amended system of records is entitled DOL/OSHA–9, *OSHA Compliance Safety and Health Officer Training Records.* The Department proposes to amend this system to update the Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, System Manager, Notification Procedure, and several other categories.

98. The seventy-seventh proposed amended system of records is entitled DOL/OSHA–10, *OSHA Outreach Training Program.* The Department proposes to amend this system to update the System Name, Categories of Records in the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

99. The seventy-eighth proposed amended system of records is entitled DOL/OSHA–14, *Directorate of Training and Education Computer-based Acquisition/Financial Records System.* The Department proposes to amend this system to update the Retention and Disposal section.

100. The seventy-ninth proposed amended system of records is entitled DOL/OSHA–15, *Directorate of Training and Education Resource Center Loan Program.* The Department proposes to amend this system to update the System Name, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System category.

101. The eightieth proposed amended system is entitled DOL/OWCP–1, *Office of Workers' Compensation Programs, Black Lung Antidiscrimination Files.* The Department proposes to amend this system to update the System Number, Categories of Individuals in the System, Authority for Maintenance of the System, Routine Uses of Records Maintained in the System, and several other categories.

102. The eighty-first proposed amended system is entitled DOL/OWCP–2, *Office of Workers' Compensation, Black Lung Benefits Claim Files.* The Department proposes to amend this system to update the System Number, Security Classification, Authority for Maintenance of the System, Routine Uses of Records Maintained in the System, and several other categories.

103. The eighty-second proposed amended system is entitled DOL/OWCP–3, *Office of Workers' Compensation, Longshore and Harbor Workers' Compensation Act Case File.* The Department proposes to amend this system to update the System Number, Categories of Individuals Covered by the System, Categories of Records in the System, Security Classification, Authority for Maintenance of the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

104. The eighty-third proposed amended system is entitled DOL/OWCP–4, *Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Special Fund System.* The Department proposes to amend this system to update the System Number, Categories of Individuals Covered by the System, Routine Uses of Records Maintained in the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

105. The eighty-fourth proposed amended system is entitled DOL/OWCP–5, *Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Investigation Files.* The Department proposes to amend this system to update the System Number, Categories of Individuals Covered by the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

106. The eighty-fifth proposed amended system is entitled DOL/OWCP–6, *Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Claimant Representatives.* The Department proposes to amend this system to update the System Number, Categories of Individuals Covered by the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

107. The eighty-sixth proposed amended system is entitled DOL/OWCP–7, *Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Longshore Act.* The Department proposes to amend this system to update the System Number, Categories of Individuals Covered by the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

108. The eighty-seventh proposed amended system is entitled DOL/OWCP–8, *Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Federal Employees' Compensation Act.* The Department proposes to amend this system to update the System Number and Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System.

109. The eighty-eighth proposed new system is entitled DOL/OWCP–9, *Office of Workers' Compensation Programs, Black Lung Automated Support*

Package. The Department proposes to amend this system to update the System Number, Security Classification, Authority for Maintenance of the System, and several other categories.

110. The eighty-ninth proposed amended system is entitled DOL/OWCP–10, *Office of Workers' Compensation Programs, Federal Employees' Compensation Act (FEC) and Longshore and Harbor Workers' Compensation Act Rehabilitation Counselor Case Assignment, Contract Management and Performance Files and FEC Field Nurse.* The Department proposes to amend this system to update the System Number, Categories of Individuals Covered By the System, Categories of records in the System, Authority for Maintenance of the System, and several other categories.

111. The ninetieth proposed amended system is entitled DOL/OWCP–11, *Office of Workers' Compensation Programs, Energy Employees Occupational Illness Compensation Program Act File.* The Department proposes to amend this system to update the System Number, Categories of Individuals Covered by the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

112. The ninety-first proposed amended system is entitled DOL/OWCP–12, *Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Energy Employees Occupational Illness Compensation Program Act.* The Department proposes to amend this system to update the System Number, System Location, Categories of Individuals Covered by the System, Routine Uses of Records Maintained in the System, and several other categories.

113. The ninety-second proposed amended system of records is entitled DOL/SOL–3, *Tort Claim Files.* The Department proposes to amend this system to update the Security Classification, System Location, Authority for Maintenance of the System, and several other categories.

114. The ninety-third proposed amended system of records is entitled DOL/SOL–5, *Workforce Investment Act Tort Claim Files.* The Department proposes to amend this system to update the Security Classification, Authority for Maintenance of the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

115. The ninety-fourth proposed amended system of records is entitled DOL/SOL–6, *Military Personnel and Civilian Employees' Claims.* The Department proposes to amend this system to update the Security Classification, Authority for Maintenance of the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

116. The ninety-fifth proposed amended system of records is entitled DOL/SOL–9, *Freedom of Information Act Privacy Act Appeals Files.* The Department proposes to amend this system to update the Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, Notification Procedure, Contesting Record Procedures, and several other categories.

117. The ninety-sixth proposed amended system of records is entitled DOL/SOL–15, *Solicitor's Office Litigation Files.* The Department proposes to amend this system to update the Retention and Disposal section.

118. The ninety-seventh proposed amended system of records is entitled DOL/VETS–1, *Uniformed Services Employment and Re-employment Rights Act (USERRA) Complaint File.* The Department proposes to amend this system to update the Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, Notification Procedure, and Contesting Record Procedures.

119. The ninety-eighth proposed amended system of records is entitled DOL/VETS–2, *Veterans' Preference Complaint File under the Veterans Equal Opportunities Act of 1998 (VEOA).* The Department proposes to amend this system to update the Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, Notification Procedure, and Contesting Record Procedures.

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121. The ninety-ninth proposed amended system is entitled DOL/WHD–1, *"Time Report" Component of the Wage and Hour Investigative Support and Reporting Database (WHISARD).* The Department proposes to amend this system to update the System Number, Categories of Records in the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, Notification Procedure, and several other categories.

122. The one hundredth proposed new system is entitled DOL/WHD–2, *MSPA Civil Money Penalties in the Wage Hour Investigative Support and Report Database (WHISARD).* The Department proposes to amend this system to update the System Number, Categories of Records in the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, Notification Procedure, and several other categories.

123. The one hundred and first proposed amended system is entitled DOL/WHD–3, *MSPA Public Central Registry Records File.* The Department proposes to amend this system to update the System Number, System Location, Routine Uses of Records Maintained in the System, Disclosure of Consumer Report Agencies, and several other categories.

124. The one hundred and second proposed amended system is entitled DOL/WHD–4, *Wage and Hour Clearance List—MSPA Registration.* The Department proposes to amend this system to update the System Number, System Name, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

125. The one hundred and third proposed amended system is entitled DOL/WHD–5, *MPSA Certificate Action Record Files.* The Department proposes to amend this system to update the System Number, Disclosure to Consumer Reporting Agencies, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

126. The one hundred and fourth proposed amended system is entitled DOL/WHD–6, *Case Registration/Investigator Assignment Form; in the Wage and Hour Investigative Support and Reporting Database (WHISARD).* The Department proposes to amend this system to update the System Number, System Name, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, Notification Procedures, and several other categories.

127. The one hundred and fifth proposed amended system is entitled DOL/WHD–7, *Migrant and Seasonal Agricultural Worker Protection Act (MPSA) Ineligible Farm Labor Contractors.* The Department proposes to amend this system to update the System Number, Security Classification, System Location, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

128. The one hundred and sixth proposed amended system is entitled DOL/WHD–8, *"Customer Service Component" of the Wage and Hour Investigative Support and Reporting Database (WHISARD).* The Department proposes to amend this system to update the System Number, Categories of Records in the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

129. The hundred and seventh proposed amended system is entitled DOL/WHD–9, *Farm Labor Contractor Registration File.* The Department proposes to amend this system to update the System Number, Routine Uses of records Maintained in the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

130. The hundred and eighth proposed amended system is entitled DOL/WHD–10, *Farm Labor Contractor Employee Registration File.* The Department proposes to amend this system to update the System Number, Routine Uses of Records Maintained in the System, Policies and Practices for Storage, Retrieving, Accessing, Retaining and Disposing of Records in the System, and several other categories.

Signed at Washington, DC, this 13th day of January, 2016.

Thomas E. Perez,

Secretary of Labor.

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- DOL/EBSA–12, Delinquent Filer Voluntary Compliance Program (DFVC) Tracking System; Delinquent Filer Voluntary Compliance Program 99
- DOL/EBSA–13, OCA Case Tracking System
- DOL/EBSA–14, Office of Health Plans Standards and Compliance Assistance (OHPSCA) Case Tracking System
- DOL/EBSA–15, Fee Disclosure Failure Notice Database

EEOICP—DOL Ombudsman for the Energy Employees Occupational Illness Compensation Program Systems of Records

- DOL/OMBUDSMAN–1, Office of the Ombudsman for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) File

ETA—DOL Employment and Training Administration Systems of Records

- DOL/ETA–1, Office of Apprenticeship, Budget and Position Control File
- DOL/ETA–4, Registered Apprenticeship Partners Information Data System (RAPIDS)
- DOL/ETA–7, Foreign Labor Certification System and Employer Application Case Files
- DOL/ETA–8, Job Corps Student Pay, Allotment and Management Information System (SPAMIS)
- DOL/ETA–16, Employment and Training Administration Investigatory File
- DOL/ETA–20, Federal Bonding Program, Bondee Certification Files
- DOL/ETA–24, Grant Officer Files
- DOL/ETA–29, National Agricultural Workers Survey (NAWS) Research File
- DOL/ETA–30, DOL Employment and Training Administration (ETA) Evaluation, Research, Pilot or Demonstration Contractors' Project Files
- DOL/ETA–31, The Enterprise Business Support System (EBSS)
- DOL/ETA–32, Contract Files

MSHA—DOL Mine Safety and Health Administration Systems of Records

- DOL/MSHA–1, Mine Safety and Health Administration Standardized Information System (MSIS)
- DOL.MSHA–22, Educational Policy and Development; National Mine Health and Safety Academy Permanent Record Card or Student Information System
- DOL/MSHA–23, Educational Policy and Development Activity Reporting System

OALJ—DOL Office of Administrative Law Judges Systems of Records

- DOL/OALJ–1, Office of Administrative Law Judges Case Tracking System (CTS)
- DOL/OALJ–2, Office of Administrative Law Judges Case Files

OASAM—DOL Office of the Assistant Secretary for Administration and Management Systems of Records

- DOL/OASAM–4, Safety and Health Information Management System (SHIMS)
- DOL/OASAM–5, Employee Assistance Program (EAP) Records
- DOL/OASAM–7, Employee Medical File System Records (Not Job Related)
- DOL/OASAM–12, Administrative Grievance Records
- DOL/OASAM–17, Equal Employment Opportunity Complaint Files
- DOL/OASAM–19, Negotiated Grievance Procedure and Unfair Labor Practice Files
- DOL/OASAM–20, Personnel Investigation Records
- DOL/OASAM–22, Civil Rights Center Discrimination Complaint Case Files
- DOL/OASAM–25, Intergovernmental Personnel Act (IPA) Assignment Records
- DOL/OASAM–26, Francis Perkins Building Parking Management System
- DOL/OASAM–27, Employee/Contractor/Visitor Identification System
- DOL/OASAM–28, Incident Report/Restriction Notice
- DOL/OASAM–29, OASAM Employee Administrative Investigation File

- DOL/OASAM–30 Injury Compensation System (ICS)
- DOL/OASAM–31, DOL Flexible Workplace Programs Evaluation and Files
- DOL/OASAM–32, Transit Subsidy Management System
- DOL/OASAM–34, DOL Fitness Association (DOLFA) Membership Files
- DOL/OASAM–35, DOL Child Care Subsidy Program Records
- DOL/OASAM–37, Personal Identity Verification Credential

OCFO—DOL Office of the Chief Financial Officer Systems of Records

- DOL/OCFO–2, New Core Financial Management System (NCFMS)
- DOL/OCFO–3, Travel and Transportation System

ODEP—DOL Office of Disability Employment Policy Systems of Records

- DOL/ODEP–1, Job Accommodation Network (JAN) Files
- DOL/ODEP–2, Workforce Recruitment Program for College Students with Disabilities (WRP) Database

OFCCP—DOL Office of Federal Contract Compliance Programs Systems of Records

- DOL/OFCCP–1, Office of Federal Contract Compliance Programs, Executive Management Information System (OFCCP/EIS) which includes the Case Management System (CMS), and Time Reporting Information System (TRIS)
- DOL/OFCCP–2, Office of Federal Contract Compliance Programs/Complaint Case Files

OIG—DOL Office of Inspector General Systems of Records

- DOL/OIG–2, Freedom of Information Act/Privacy Act Records
- DOL/OIG–5, Audit Information Reporting Team Tech Tracking System
- DOL/OIG–6, Hotline and Complaints Analysis Files
- DOL/OIG–7, Correspondence Tracking System
- DOL/OIG–8, Office of Inspector General (OIG) Employee Credential System
- DOL/OIG–9, OIG Property Tracking Systems
- DOL/OIG–10, Office of Inspector General (OIG) Pre-employment Checks and Inquiries (PECI) System
- DOL/OIG–11, Investigative Case Files and Tracking System, Case Development and Intelligence Records, USDOL/OIG

OLMS—DOL Office of Labor-Management Standards Systems of Records

- DOL/OLMS–1, Investigative Files of the Office of Labor-Management Standards
- DOL/OLMS–2, OLMS Public Disclosure Request Tracking System

OSHA—DOL Occupational Safety and Health Administration Systems of Records

- DOL/OSHA–1, Retaliation Complaint File
- DOL/OSHA–6, Program Activity File
- DOL/OSHA–9, OSHA Compliance Safety and Health Officer Training Records
- DOL/OSHA–10, OSHA Outreach Training Program
- DOL/OSHA–14, Directorate of Training and Education Computer-Based Acquisition/Financial Records System
- DOL/OSHA–15, Directorate of Training and Education Resource Center Loan Program

OWCP—DOL Office of Workers' Compensation Programs Systems of Records

- DOL/OWCP–1, Office of Workers' Compensation Programs, Black Lung Antidiscrimination Files
- DOL/OWCP–2, Office of Workers' Compensation, Black Lung Benefits Claim File
- DOL/OWCP–3, Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Case Files
- DOL/OWCP–4, Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Special Fund System
- DOL/OWCP–5, Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Investigation Files
- DOL/OWCP–6, Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Claimant Representatives
- DOL/OWCP–7, Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Longshore Act
- DOL/OWCP–8, Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Federal Employees' Compensation Act
- DOL/OWCP–9, Office of Workers' Compensation Programs, Black Lung Automated Support Package
- DOL/OWCP–10, Office of Workers' Compensation Programs, Federal Employees' Compensation Act (FEC) and Longshore and Harbor Workers' Compensation Act Rehabilitation Counselor Case Assignment, Contract Management and Performance Files and FEC Field Nurses
- DOL/OWCP–11, Office of Workers' Compensation Programs, Energy Employees Occupational Illness Compensation Program Act File
- DOL/OWCP–12, Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Energy Employees Occupational Illness Compensation Program Act

SOL—DOL Office of the Solicitor Systems of Records

- DOL/SOL–3, Tort Claims Files
- DOL/SOL–5, Workforce Investment Act Tort Claims Files
- DOL/SOL–6, Military Personnel and Civilian Employees' Claims
- DOL/SOL–9, Freedom of Information Act and Privacy Act Appeals Files
- DOL/SOL–15, Solicitor's Office Litigation Files
- DOL/SOL–18, Matter Management System (MMS)
- DOL/SOL–19, Evidence Management System (EMS)

VETS—DOL Veterans' Employment and Training Service Systems of Records

- DOL/VETS–1, Uniformed Services Employment and Reemployment Rights Act (USERRA) Complaint File
- DOL/VETS–2, Veterans' Preference Complaint File under the Veterans Equal Opportunities Act of 1998 (VEOA)
- DOL/VETS–3, Veterans' Transition Assistance Program (TAP) Registration System
- DOL/VETS–5, Veterans' Data Exchange Initiative (VDEI)
- DOL/VETS–6, Veterans'Case Management System (VCMS)

WHD—DOL Wage and Hour Division Systems of Records

- DOL/WHD–1, "Time Report" Component of the Wage and Hour Investigative Support and Reporting Database (WHISARD)
- DOL/WHD–2, MSPA Civil Money Penalties in the Wage Hour Investigative Support and Reporting Database (WHISARD)
- DOL/WHD–3, MSPA Public Central Registry Records File
- DOL/WHD–4, Wage and Hour Clearance List—MSPA Registration
- DOL/WHD–5, MSPA Certificate Action Record Files
- DOL/WHD–6, Case Registration/Investigator Assignment Form in the Wage and Hour Investigative Support and Reporting Database (WHISARD)
- DOL/WHD–7, Migrant and Seasonal Agricultural Worker Protection Act (MSPA) Ineligible Farm Labor Contractors
- DOL/WHD–8, "Customer Service component" of the Wage Hour Investigative Support and reporting Database (WHISARD)
- DOL/WHD–9, Farm Labor Contractor Registration File
- DOL/WHD–10, Farm Labor Contractor Employee Registration File

General Prefatory Statement

In its April 8, 2002, publication, the Department gave notice of 12 routine uses that apply to all of its systems of records, except for DOL/OASAM–5, DOL/OASAM–7, and DOL/CENTRAL–3. These 12 routine uses were presented in the General Prefatory Statement for that document, and appeared at Page 16825 of Volume 67 of the **Federal Register**. As a convenience to the reader of this document, we are republishing this General Prefatory Statement. This republication shall include the statement, also contained in the 2002 and 2011 publications, that pursuant to the Flexiplace Program (also known as "telework" consistent with the Telework Enhancement Act), the system location for all systems of records may be temporarily located at alternate worksites, including remote locations, employees' homes, or at geographically convenient satellite offices at some times.

At this time, the Department proposes two new routine uses that will apply to all of its systems of records. The first proposed routine use governs the Department's ability to disclose information to a State or local government agency in charge of issuing licenses to attorneys and health care professionals. The second proposed routine use governs the Department's ability to disclose information to the United States Department of Justice and/or the Federal Bureau of Investigation that will be included in the National Instant Criminal Background Check System (NICS). The new routine uses are described in paragraphs 13 and 14 below.

A. Universal Routine Uses of the Records

The following routine uses of the records apply to and are incorporated by reference into each system of records published below unless the text of a particular notice of a system of records indicates otherwise. These routine uses *do not* apply to DOL/OASAM–5, *Rehabilitation and Counseling File*; DOL/OASAM–7, *Employee Medical Records*, and DOL/CENTRAL–3, *Internal Investigations of Harassing Conduct*.

1. To disclose the records to the Department of Justice when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation, and the use of such records by the Department of Justice is for a purpose that is compatible with the purpose for which the agency collected the records.

2. To disclose the records in a proceeding before a court or adjudicative body, when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation, and that the use of such records is for a purpose that is compatible with the purpose for which the agency collected the records.

3. When a record on its face, or in conjunction with other information, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the agency determines by careful review that the records or information are both relevant and necessary to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity, and that the use of such records or information is for a purpose that is compatible with the purposes for which the agency collected the records.

4. To a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

5. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted pursuant to 44 U.S.C. 2904 and 2906.

6. To disclose to contractors, employees of contractors, consultants, grantees, and volunteers who have been engaged to assist the agency in the performance of or working on a contract, service, grant, cooperative agreement or other activity or service for the Federal Government.

Note: Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a; *see also* 5 U.S.C. 552a(m).

7. To the parent locator service of the Department of Health and Human Services or to other authorized persons defined by Public Law 93–647 (42 U.S.C. 653(c)) the name and current address of an individual for the purpose of locating a parent who is not paying required child support.

8. To any source from which information is requested in the course of a law enforcement or grievance investigation, or in the course of an investigation concerning retention of an employee or other personnel action, the retention of a security clearance, the letting of a contract, the retention of a grant, or the retention of any other benefit, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

9. To a Federal, State, local, foreign, tribal, or other public authority of the fact that this system of records contains information relevant to the hiring or retention of an employee, the granting or retention of a security clearance, the letting of a contract, a suspension or debarment determination or the issuance or retention of a license, grant, or other benefit.

10. To the Office of Management and Budget during the coordination and clearance process in connection with legislative matters.

11. To the Department of the Treasury, and a debt collection agency with which the United States has contracted for collection services, to recover debts owed to the United States.

12. To the news media and the public when (1) the matter under investigation has become public knowledge, (2) the Solicitor of Labor determines that disclosure is necessary to preserve confidence in the integrity of the Department or is necessary to demonstrate the accountability of the Department's officers, employees, or individuals covered by this system, or (3) the Solicitor of Labor determines that there exists a legitimate public interest in the disclosure of the information, provided the Solicitor of Labor determines in any of these situations that the public interest in disclosure of specific information in the context of a particular case outweighs the resulting invasion of personal privacy.

13. To disclose information to a State or local government entity which has the legal authority to make decisions concerning the issuance, retention or revocation of licenses, certifications or registrations required to practice law or a health care profession, when requested in writing by an investigator or supervisory official of the licensing entity for the purpose of making a decision concerning the issuance, retention or revocation of the license, certification or registration of a named attorney or health care professional.

14. To disclose information to the United States Department of Justice and/or the Federal Bureau of Investigation for inclusion in the National Instant Criminal Background Check System (NICS), pursuant to the reporting requirements of the Brady Handgun Violence Prevention Act, as amended by the NICS Improvement Amendments Act of 2007.

B. System Location—Flexiplace Programs

The following paragraph applies to and is incorporated by reference into all of the Department's systems of records under the Privacy Act, within the category entitled, **SYSTEM LOCATION:**

Pursuant to the Department of Labor's Flexiplace Programs (also known as "telework" pursuant to the Telework Enhancement Act), copies of records may be temporarily located at alternative worksites, including employees' homes or at geographically convenient satellite offices for periods of time. All appropriate safeguards will be taken at these sites.

C. Government-Wide Records

Two systems of records are reported by the Department of Labor for all federal agencies since this Department has overall responsibility for the administration of the programs in connection with which these systems of records have been compiled. It is presumed that most, if not all, federal agencies maintain systems of records comprising a portion of the government-wide systems of records. In order to avoid duplication in reporting, the Department is reporting these systems on behalf of all agencies. The Department has control over these systems to the same extent as the Office of Personnel Management has control over systems of records containing federal employee personnel records.

1. Federal Employees' Compensation Act Files—DOL/GOVT–1: All records relating to injury or death of civilian employees or other persons entitled to benefits under the Federal Employees' Compensation Act are the records of the Office of Workers' Compensation Programs (OWCP of the Department of Labor). OWCP asserts control of these records under the provisions of 5 U.S.C. 8149 and Department regulations at 20 CFR 10.10. This system applies to copies of claim forms and other documents relating to a compensation claim maintained by the employing agency. This system, however, does not apply to other medical or related files not created pursuant to the Federal Employees' Compensation Act which may be in the possession of an agency. This system is entitled DOL/GOVT–1, Office of Workers' Compensation Programs, Federal Employees' Compensation File.

Initial determinations on requests for access, amendment or correction of records maintained in this system of records shall be made by the OWCP district office having jurisdiction over the particular claim. In addition, requests for access to copies of records maintained by the employing agency may be directed to that agency. Administrative appeals from initial determinations denying access, amendment or correction, shall be addressed to the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, as required by 20 CFR 10.12.

2. Job Corps Student Records—DOL/GOVT–2: All records which contain information about students during their stay in Job Corps, from entrance to placement and/or termination, are records which must be maintained by the Job Corps Center at which the student is enrolled. The Employment and Training Administration asserts control of these records under 29 U.S.C. 2881 *et seq.* This system is entitled DOL/GOVT–2, Job Corps Student Records.

Initial determinations concerning access, amendment or correction of this government-wide system of records shall be made by screening contractors, Job Corps Center Directors, Job Corps National or Regional Offices. Administrative appeals shall be referred to the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

In addition, the following government agencies also have Government-wide Systems of Records:

Government-Wide Systems

EEOC/GOVT–1—Equal Employment Opportunity Complaint Records and Appeal Records
FEMA/GOVT–1—National Defense Executive Reserve System
GSA/GOVT–2—Employment Under Commercial Activities Contracts
GSA/GOVT–3—Travel Charge Card Program
GSA/GOVT–4—Contracted Travel Services Programs
MSPB/GOVT–1—Appeal and Case Records
OGE/GOVT–1—Executive Branch Public Financial Disclosure Reports and Other Ethics Program Records
OGE/GOVT–2—Confidential Statements of Employment and Financial Interests
OPM/GOVT–1—General Personnel Records
OPM/GOVT–2—Employee Performance File System Records
OPM/GOVT–3—Adverse Actions and Actions Based on Unacceptable Performance
OPM/GOVT–4—[Reserved]
OPM/GOVT–5—Recruiting, Examining and Placement Records
OPM/GOVT–6—Personnel Research and Test Validation Records
OPM/GOVT–7—Applicant—Race, Sex, National Origin and Disability Status Records
OPM/GOVT–8—[Reserved]
OPM/GOVT–9—Position Classification Appeals, Job Grading Appeals, and Retained Grade or Pay
OPM/GOVT–10—Employee Medical File System Records

D. Text of the Department of Labor's System of Records Government-Wide Systems by the U.S. Department of Labor

DOL/GOVT–1

SYSTEM NAME:

Office of Workers' Compensation Programs, Federal Employees' Compensation Act File.

SECURITY CLASSIFICATION:

Most files and data are unclassified. Files and data in certain cases have Top Secret classification, but the rules concerning their maintenance and disclosure are determined by the agency that has given the information the security classification of Top Secret.

SYSTEM LOCATION:

The central database for DOL/GOVT–1 is located at the DOL National office and the offices of OWCP's contractor. Paper claim files are located at the various OWCP district offices; claim files of employees of the Central Intelligence Agency are located at that agency. Copies of claim forms and other documents arising out of a job-related injury that resulted in the filing of a claim under the Federal Employees' Compensation Act (FECA) may also be maintained by the employing agency (and where the forms were transmitted to OWCP electronically, the original forms are maintained by the employing agency). In addition, records relating to third-party claims of FECA beneficiaries are maintained in the Division of Federal Employees' and Energy Workers' Compensation, Office of the Solicitor, United States Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and/or their survivors who file claims seeking benefits under FECA by reason of injuries sustained while in the performance of duty. FECA applies to all civilian Federal employees, including various classes of persons who provide or have provided personal service to the Government of the United States, and to other persons as defined by law such as State or local law enforcement officers, and their survivors, who were injured or killed while assisting in the enforcement of Federal law. In addition, FECA covers employees of the Civil Air Patrol, Peace Corps Volunteers, Job Corps students, Volunteers in Service to America, members of the National Teacher Corps, certain student employees, members of the Reserve Officers Training Corps, certain former prisoners of war, and employees of particular commissions and other agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system may contain the following kinds of records: Reports of injury by the employee and/or employing agency; claim forms filed by or on behalf of injured Federal employees or their survivors seeking benefits under FECA; forms authorizing medical care and treatment; other medical records and reports; bills and other payment records; compensation payment records; formal orders for or against the payment of benefits; transcripts of hearings conducted; and any other medical, employment, or personal information submitted or gathered in connection with the claim. The system may also contain information relating to dates of birth, marriage, divorce, and death; notes of telephone conversations conducted in connection with the claim; information relating to vocational and/or medical rehabilitation plans and progress reports; records relating to court proceedings, insurance, banking and employment; articles from newspapers and other publications; information relating to other benefits (financial and otherwise) the claimant may be entitled to; and information received from various investigative agencies concerning possible violations of Federal civil or criminal law. The system may also contain information relating to certain claims under the War Hazards Compensation Act (WHCA).

The system may also contain consumer credit reports on individuals indebted to the United States, information relating to the debtor's assets, liabilities, income and expenses, personal financial statements, correspondence to and from the debtor, information relating to the location of the debtor, and other records and reports relating to the implementation of the Federal Claims Collection Act (as amended), including investigative reports or administrative review matters. Individual records listed here are included in a claim file only insofar as they may be pertinent or applicable to the employee or beneficiary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8101 *et seq.*, 20 CFR 1.1 *et seq.*

PURPOSE(S):

FECA establishes the system for processing and adjudicating claims that Federal employees and other covered individuals file with the Department's OWCP seeking monetary, medical and similar benefits for injuries or deaths sustained while in the performance of duty. The records maintained in this system are created as a result of and are necessary to this process. The records provide information and verification about the individual's employment-related injury and the resulting disabilities and/or impairments, if any, on which decisions awarding or denying benefits provided under the FECA must be based.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those Department-wide routine uses set forth in the General Prefatory Statement to this document, disclosure of information from this system of records may be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is both relevant and necessary and is compatible with the purpose for which the information was collected:

a. To any attorney or other representative of a FECA beneficiary for the purpose of assisting in a claim or litigation against a third party or parties potentially liable to pay damages as a result of the FECA beneficiary's FECA-covered injury and for the purpose of administering the provisions of Sections 8131–8132 of FECA. Any such third party, or a representative acting on that third party's behalf, may be provided information or documents concerning the existence of a record and the amount and nature of compensation paid to or on behalf of the FECA beneficiary for the purpose of assisting in the resolution of the claim or litigation against that party or administering the provisions of Sections 8131–8132 of FECA.

b. To Federal agencies that employed the claimant at the time of the occurrence or recurrence of the injury or occupational illness in order to verify billing, to assist in administering FECA, to answer questions about the status of the claim, to consider rehire, retention or other actions the agency may be required to take with regard to the claim or to permit the agency to evaluate its safety and health program. Disclosure to Federal agencies, including the Department of Justice, may be made where OWCP determines that such disclosure is relevant and necessary for the purpose of providing assistance in regard to asserting a defense based upon FECA's exclusive remedy provision to an administrative claim or to litigation filed under the Federal Tort Claims Act.

c. To other Federal agencies, other Government or private entities and to private-sector employers as part of rehabilitation and other return-to-work programs and services available through OWCP, where the entity is considering hiring the claimant or where otherwise necessary as part of that return-to-work effort.

d. To Federal, State or private rehabilitation agencies and individuals to whom the claimant has been referred for evaluation of rehabilitation and possible reemployment.

e. To physicians, pharmacies, and other health care providers for their use in treating the claimant, in conducting an examination or preparing an evaluation on behalf of OWCP and for other purposes relating to the medical management of the claim, including evaluation of and payment for charges for medical and related services and supplies.

f. To medical insurance or health and welfare plans (or their designees) that cover the claimant in instances where OWCP has paid for treatment of a medical condition that is not compensable under FECA, or where a medical insurance plan or health and welfare plan has paid for treatment of a medical condition that may be compensable under FECA, for the purpose of resolving the appropriate source of payment in such circumstances.

g. To labor unions and other voluntary employee associations from whom the claimant has requested assistance for the purpose of providing such assistance to the claimant.

h. To a Federal, State or local agency for the purpose of obtaining information relevant to a determination concerning initial or continuing eligibility for FECA benefits, and for a determination concerning whether benefits have been or are being properly paid, including whether dual benefits that are prohibited under any applicable Federal or State statute are being paid; and for the purpose of utilizing salary offset and debt collection procedures, including those actions required by the Debt Collection Act of 1982, to collect debts arising as a result of overpayments of FECA compensation and debts otherwise related to the payment of FECA benefits.

i. To the Internal Revenue Service (IRS) for the purpose of obtaining taxpayer mailing addresses for the purposes of locating a taxpayer to collect, compromise, or write-off a Federal claim against such taxpayer; and informing the IRS of the discharge of a debt owed by an individual. Records from this system of records may be disclosed to the IRS for the purpose of offsetting a Federal claim from any income tax refund that may be due to the debtor.

j. To the Occupational Safety and Health Administration (OSHA) for purpose of using injury reports filed by Federal agencies pursuant to FECA to fulfill agency injury reporting requirements. Information in this system of records may be disclosed to OSHA by employing agencies as part of any Management Information System established under OSHA regulations to monitor health and safety.

k. To contractors providing services to the Department or any other Federal agency or any other individual or entity specified in any of these routine uses or in the Department's General Prefatory Statement who require the data to perform the services that they have contracted to perform, provided that those services are consistent with the routine use for which the information was disclosed to the contracting entity. Should such a disclosure be made to the contractor, the individual or entity making such disclosure shall ensure that the contractor complies fully with all Privacy Act provisions, including those prohibiting unlawful disclosure of such information.

l. To the Defense Manpower Data Center—Department of Defense and the United States Postal Service to conduct computer matching programs for the purpose of identifying and locating individuals who are receiving Federal salaries or benefit payments and are delinquent in their repayment of debts owed to the United States under programs administered by the Department in order to collect the debts under the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365) by voluntary repayment, or by salary or administrative offset procedures.

m. To a credit bureau for the purpose of obtaining consumer credit reports identifying the assets, liabilities, expenses, and income of a debtor in order to ascertain the debtor's ability to repay a debt incurred under FECA, to collect the debt, or to establish a payment schedule.

n. To consumer reporting agencies as defined by Sec. 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accordance with Sec. 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt, the amount, status and history of overdue debts, the name and address, taxpayer identification (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12).

o. To a Member of Congress or to a Congressional staff member in response to an inquiry made by an individual seeking assistance who is the subject of the record being disclosed for the purpose of providing such assistance.

p. To individuals, and their attorneys and other representatives, and Government agencies, seeking to enforce a legal obligation on behalf of such individual or agency, to pay alimony and/or child support for the purpose of enforcing such an obligation, pursuant to an order of a State or local court of competent jurisdiction, including Indian tribal courts, within any State, territory or possession of the United States, or the District of Columbia or to an order of a State agency authorized to issue income withholding notices pursuant to State or local law or pursuant to the requirements of Sec. 666(b) of title 42, U.S.C., or for the purpose of denying the existence of funds subject to such legal obligation.

q. To the National Institute for Occupational Safety and Health (NIOSH), for the purpose of performing statistical analyses of injury and illness patterns to identify patterns and locations of high incidence, help devise safety and return-to-work interventions, and guide worker safety and health research. The statistical analyses performed by NIOSH will assist OWCP and OSHA in their efforts to reduce the occurrence of employment injuries, assist employees in achieving a smooth transition and return to work following employment injuries, and improve Federal employee safety and health.

r. To the General Services Administration (GSA), for the purpose of permitting GSA and its investigators to evaluate information about potential exposures to hazardous substances to non-GSA federal employees in buildings or complexes managed by GSA.

s. To investigators in employing agency Offices of Inspector General, for the purpose of assisting in the investigation of potential fraud by recipients of compensation benefits under the FECA for their agencies, and for the purpose of assisting in evaluation of compliance by employing agencies with timely filing requirements under the FECA and its implementing regulations as well as for audits related to the employing agencies' handling of their portion of the FECA claims process.

t. To a Federal, State or local agency charged with the responsibility for investigating compliance with laws relating to health and safety, for the purpose of assisting such agency in fulfilling its statutory or regulatory responsibilities.

u. For claims arising under 42 U.S.C. Sections 1701 and 1704 of the WHCA, to insurance carriers or self-insured employers and their attorneys, for the purpose of assisting in administering the claim, and for the purpose of verifying eligibility for payments to claimants and reimbursements of amounts already paid.

Note: Disclosure of information contained in this system of records to the subject of the record, a person who is duly authorized to act on his or her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone or by electronic means. Disclosure over the telephone or by electronic means will only be done where the requestor provides appropriate identifying information. Telephonic or electronic disclosure of information is essential to permit efficient administration and adjudication of claims under FECA. Pursuant to 5 U.S.C. 552a(b)(1), information from this system of records may be disclosed to members and staff of the Employees' Compensation Appeals Board, the Office of Administrative Law Judges, the Office of the Solicitor and other components of the Department that have a need for the record in the performance of their duties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status and history of overdue debts, the name and address, taxpayer identification (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by Sec. 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accordance with Sec. 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files and automated data are retrieved after identification by coded file number and/or Social Security Number which is cross-referenced to employee by name, employing establishment, and date and nature of injury. Since the electronic case management files were created in 1975, these electronic files are located in District Offices that have jurisdiction over the claim, and (as noted above under "System Location"), a complete central data base is maintained at the location of the contractor. Prior to 1975, a paper index file was maintained; these records were transferred to microfiche and are located in the national office.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files. Only personnel having an appropriate security clearance may handle or process security files.

RETENTION AND DISPOSAL:

All case files and automated data pertaining to a claim are destroyed 15 years after the case file has become inactive. Case files that have been scanned to create electronic copies are destroyed after the copies are verified. Electronic data is retained in its most current form only, and as information is updated, outdated information is deleted. Some related financial records are retained only in electronic form, and destroyed six years and three months after creation or receipt.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Federal Employees' Compensation, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

An individual wishing to inquire whether this system of records contains information about him/her may write or telephone the OWCP district office that services the state in which the individual resided or worked at the time he or she believes a claim was filed. In order for the record to be located, the individual must provide his or her full name, OWCP claim number (if known), date of injury (if known), and date of birth.

RECORD ACCESS PROCEDURES:

Any individual seeking access to non-exempt information about a case in which he/she is a party in interest may write or telephone the OWCP district office where the case is located, or the systems manager, and arrangements will be made to provide review of the file. Access to copies of documents maintained by the employing agency may be secured by contacting that agency's designated disclosure officials.

CONTESTING RECORD PROCEDURES:

Specific materials in this system have been exempted from certain Privacy Act provisions regarding the amendment of records. The section of this notice entitled "Systems exempted from certain provisions of the Act," indicates the kind of materials exempted, and the reasons for exempting them. Any individual requesting amendment of non-exempt records should contact the appropriate OWCP district office, or the system manager. Individuals requesting amendment of records must comply with the Department's Privacy Act regulations at 29 CFR 71.1 and 71.9, and with the regulations found at 20 CFR 10.12.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from injured employees; beneficiaries; employing Federal agencies; other Federal agencies; physicians; hospitals; clinics; suppliers of health care products and services and their agents and representatives; educational institutions; attorneys; Members of Congress; OWCP field investigations; State governments; consumer credit reports; agency investigative reports; correspondence with the debtor including personal financial statements; records relating to hearings on the debt; and other Department systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigative material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/GOVT–2

SYSTEM NAME:

Job Corps Student Records.

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATION:

Screening contractors; Job Corps centers and operators (which includes contract and agency centers); Job Corps National Office; Job Corps Regional Offices; Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Job Corps applicants, students, and terminees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information kept on the students, such as separate running accounts of the students' general biographical data; educational training, vocational training; counseling; recreational activities; dormitory logs; health (dental, medical, mental health, and drug testing records); administrative records covering data pertaining to enrollment allowances and allotments; leave records; Student Profile (ETA–640); and Center Standards Officer's disciplinary records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Subtitle C of Title I of the Workforce Investment Act of 1998, 29 U.S.C. 2881 *et seq.*

PURPOSE(S):

These records are maintained to ensure that all appropriate documents of the student's stay in Job Corps (covering application to placement and/or termination) are retained and are available to those officials who have a legitimate need for the information in performing their duties and to serve the interests and needs of the students in accordance with 29 U.S.C. 2881 *et seq.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF THE SUCH USES:

These records and information in these records may be used when relevant, necessary, and appropriate:

a. To disclose photographs and student identities, with appropriate consent, to the news media, for the purpose of promoting the merits of the program.

b. To disclose information, giving the summary of a student's academic and vocational achievement and general biographical information, to placement and welfare agencies, prospective employers, school or training institutions to assist in the employment of a student.

c. To disclose information to State and Federal law enforcement agencies or other government investigators to assist them in locating a student and/or his or her family.

d. To disclose information to appropriate Federal, State, and local agencies which have law enforcement jurisdiction over students (which includes probation or parole officers) and/or the property on which the center is located, if the agency determines by careful review that the records or information are both relevant and necessary to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity, and that the use of such records or information is for a purpose that is compatible with the purposes for which the agency collected the records.

e. To disclose all or any information to parents/guardians regarding students under the age of 18 for performance of parental rights and responsibilities.

f. To disclose information to Job Corps health consultants; Job Corps Center Review Board members (in appropriate disciplinary cases); State, county, and local health services personnel; family planning agencies; and physicians (public or private) to whom a student is referred for diagnosis or to receive treatment to assure continuance of proper health care, or notification and contact tracking for communicable disease control.

g. To disclose to state and local health departments all cases of infection or disease that are required to be reported to them in accordance with state and local laws. This disclosure shall be made by the Center Director.

Note: Center physicians shall deal with all cases of communicable diseases in accordance with Job Corps directives based on current recommendations of the Center for Disease Control of the Department of Health and Human Services.

h. To disclose information to State and local health departments regarding infected persons who are unwilling to notify their contacts at the center for the purpose of enabling the counseling of contacts.

i. To disclose information to medical laboratories necessary in identifying specimens for the purpose of testing.

j. To disclose information to social service agencies in cases of a student's termination in order to provide services such as Medicaid, housing, finance, and placement.

k. To disclose information to the Army Finance Center, Fort Benjamin Harrison, Indiana, to pay student allowances and maintain and dispose of their pay records.

l. To disclose information to Federal, State, and local agencies and to community-based organizations for the operation of experimental, research, demonstration, evaluation and pilot projects authorized under sections 156 or 169 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3206 or 3224, except that in the case of a research project, the researcher shall guarantee to protect the anonymity of all staff and students involved in any presentation of the results of such study.

m. To disclose information to contractors and agencies that operate centers or have Outreach Admissions and Placement (OAandP) issues which demonstrate a legitimate need for the information to enable them to properly administer their responsibilities in the Job Corps program.

n. To disclose to the Selective Service system names, social security number, date of birth, and address of students, to ensure registration compliance for eligible applicants applying for Job Corps training benefits.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by name, social security number, and date of student entry.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Job Corps centers will maintain records of terminated students for a period of 3 years unless custodianship is extended or terminated, for administrative reasons, by the regional office. Counseling records are retained on the Job Corps center for 6 months after student's termination, after which they are destroyed. After termination, a summary or copy of the counseling record is placed in the health record.

After 3 years, centers will retire the records to the appropriate Federal Records center. Students' records are subject to destruction 75 years from the birth date of the youngest student's record contained in a GSA records retirement box, with the disposal authority being NC 369–76–2, item 59. [**Note:** Centers will send a copy of the SF 135–135 A (transmittal and receipt form) to the appropriate Job Corps regional office, after they have received the accession number from the appropriate Federal Records Center. In the event of a student's death, the student's entire personnel record shall be sent to the U.S. Department of Labor Job Corps National Health Office within 10 days of date of student's death.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Job Corps, U.S. DOL/ETA, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from outreach/screening and placement contractors; Job Corps centers; Job Corps students; employment services; parole officers; State and local law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

CENTRAL—DOL Central Systems of Records

DOL/CENTRAL–1

SYSTEM NAME:

Correspondents with the Department of Labor.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At the offices of each component agency within the U.S. Department of Labor, including national, regional, and contractor offices, and at the offices of call centers serving the Department including the Department's national call center currently located at the contractor's site in Chantilly, Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual correspondents with the various components of the Department who contact, by telephone, U.S. Mail or other mail/delivery service, online, email, or phone bank, components within the Department for various reasons such as, but not limited to, requests for information, brochures, requests for compliance assistance, requests to subscribe to message boards, and/or to use Web site based programs. It includes callers to the Department's call center and contractors providing mail and public information services to the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains comments by, or requests from, individuals and information necessary to satisfy requests for information or brochures, requests for compliance assistance, requests to subscribe to message boards, or email management systems, and/or to use Web site based programs. It includes information received from callers to the Department's call centers. Depending on the nature of the request, the file may include (but is not limited to) the following information regarding individuals who have contacted the Department: name, title, mailing address, telephone and fax number, email address, area of interest, and other information necessary to respond to a request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To enhance information exchange by improving the availability of Departmental component information on automated systems; to facilitate sending information on compliance assistance to correspondents; to use Web site based programs; to provide usage statistics associated with the Department's public access Internet site; and to provide a framework from which to select an unbiased sample of individuals for surveys. Among other things, maintaining the names, addresses, etc. of individuals requesting data/publications will streamline the process for handling subsequent inquiries and requests by eliminating duplicative gathering of mailing information, data, and material on individuals who correspond with the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name, telephone or fax number (including the telephone number from which the individual dials), email address or other identifying information in the system.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In accordance with General Records Schedule 14 item 1., current correspondent information files are updated as necessary and are destroyed after three months.

SYSTEM MANAGER(S) AND ADDRESS:

The relevant agency head for the applicable component agency within the U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from correspondents with the relevant component agency within the Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/CENTRAL–2

SYSTEM NAME:

Registrants for Department of Labor Events and Activities.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At the offices of each component agency within the Department of Labor, including national, regional and contractor offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual correspondents with the various components of the Department who contact, by telephone, fax, U.S. Mail or other mail/delivery services, online, or email, components within the Department to register for conferences, events, activities, seminars, special interest Web sites, and programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information necessary to satisfy requests by individuals to register for Department conferences, events, activities, seminars, programs and special interest Web sites, including their requests for special accommodations and items such as meal preferences. Depending on the nature of the request, the file may include (but is not limited to) the following information on the individuals who have contacted the Department: name, title, mailing address, telephone and fax number, and email address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To permit persons to register, by mail, telephone, fax, email and on-line, for Departmental conferences, events, activities, seminars, special interest Web sites, and programs; to enhance information exchange by improving the availability of Departmental component information on automated systems; to provide a framework from which to select an unbiased sample of individuals for surveys; and to maintain the names, addresses, etc. of individuals who register for conferences and seminars.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the universal routine uses listed in the General Prefatory Statement to this document, a record from this system of records may be disclosed to private entities and/or State or other Federal agencies that co-sponsor or have a statutory interest in the subject of a particular conference or Web site. A record from this system may be disclosed to hotels, conference centers, caterers, interpreters and other entities that provide services for the purpose of holding the conferences and seminars, including services to persons with disabilities. The names and business addresses of attendees may be disclosed to conference attendees and/or the public, where appropriate. Records also may be disclosed where required by law.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

By name, telephone or fax number (including the telephone number from which the individual dials), email address or other identifying information in the system.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In accordance with General Records Schedule 14, Item 1, current correspondent information files are updated as necessary and are destroyed three months after the conclusion of event related activities.

SYSTEM MANAGER(S) AND ADDRESS:

The relevant agency head for the applicable component agency within the U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Correspondents with the relevant component agency within the Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/CENTRAL–3

SYSTEM NAME:

Internal Investigations of Harassing Conduct.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records on covered individuals are located at the Department of Labor, Office of the Assistant Secretary for Administration and Management and with respective agency Equal Employment Opportunity (EEO) Managers in the national office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Department employees, Department interns, or other such agents of the Department, nationwide, who have filed a complaint or report of harassment, or have been accused of harassing conduct under the Department's Policy to Prevent Harassing Conduct in the Workplace (the Policy).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains all documents related to a complaint or report of harassment, which may include the complaint, statements of witnesses, reports of interviews, investigators and agency EEO manager's findings and recommendations, final decisions and corrective action taken, and related correspondence and exhibits.

Note: Records compiled by the Office of Inspector General in its investigations of harassing conduct are covered by its own system of records, entitled DOL/OIG–1, and are not part of this system of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101.

PURPOSE(S):

These records are maintained for the purpose of conducting internal investigations into allegations of harassment brought against Department employees and for taking appropriate action in accordance with the Department's Policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses contained in the General Prefatory Statement to this document, disclosure of information from this system of records regarding the status of any investigation that may have been conducted may be made to the party who was subject to the harassment and to the alleged harasser when the purpose of the disclosure is both relevant and necessary and is compatible with the purpose for which the information was collected.

Note: Records compiled under the Policy which subsequently become part of the investigation record in an EEO complaint may be disclosed to the complainant if the Civil Rights Center (CRC) determines that the records are relevant and necessary with respect to adjudicating the EEO complaint, when such disclosure is compatible with the purpose for which the information was collected.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

These records are indexed by the name of the alleged victim(s) and/or the name of the individual accused of harassing conduct.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

These records are maintained for four years from the date that the investigation is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Respective agencies' EEO managers, U.S. Department of Labor, 200 Constitution Ave. NW., Suite N–4123, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Individual complainants; agency EEO Managers; supervisors; management officials; employee relations staff; witness statements; Solicitor's Office staff; CRC staff, and summary reports on harassing conduct complaints.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigative material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government with an express promise that the identity of the source would be held in confidence.

DOL/CENTRAL–4

SYSTEM NAME:

Department of Labor Advisory Committees Members Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices in various components within the U.S. Department of Labor, at the Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210, or other Department offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former members of advisory committees established by the Department, and candidates for a position on an advisory committee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contained in this system are biographical information of individuals who are or have been members, or are being considered for membership on the committees. The records also include the biographical information regarding individuals who have been nominated for membership on advisory committees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The records are used to ensure that all appropriate personal records of advisory committee members, and nominees, are retained and are available for official use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, information in these records may be disclosed to the General Services Administration when necessary to comply with the Federal Advisory Committee Act.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by member name, nominee name, committee name, or via identification number if electronically maintained.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

After a committee term ends, its records are transferred to the National Archives and Records Administration for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

The relevant agency head for the applicable component agency within the U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system relates to individual members of the committee and those persons making nominations to the committee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/CENTRAL–5

SYSTEM NAMES:

Privacy Act/Freedom of Information Act Requests File System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. Departmental Offices in Washington, DC;

b. Regional offices of the Department.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted Privacy Act and Freedom of Information Act requests under (5 U.S.C. 552a and 552).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains initial requests under the Acts, responses, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Privacy Act of 1974 (5 U.S.C. 552a); the Freedom of Information Act (5 U.S.C. 552); and 5 U.S.C. 301).

PURPOSE(S):

This system of records is maintained for various reasons as follows:

a. To process individuals' requests made under the Privacy Act and Freedom of Information Act.

b. To provide a record of communications between the requester and the agency.

c. To ensure that all relevant, necessary and accurate data are available to support any process for appeal.

d. To provide a legal document to support any process for appeal.

e. To prepare the annual reports to OMB and Congress as required by the Privacy and Freedom of Information Acts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, and information in these records, may be used to disclose:

a. Information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

b. Information to Federal agencies (*e.g.,* Department of Justice or the Office of Government Information Services) in order to obtain advice and recommendation concerning matters on which the agency has specialized experience or particular competence, for use in making required determinations under the Freedom of Information Act or the Privacy Act of 1974.

c. Information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and to identify the type of information requested), where necessary to obtain information relevant to a decision concerning a Privacy Act or Freedom of Information Act request.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name of individual making request and by date of request.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for two years after response date if no denial was involved, and five years after response date if denial of records was involved. If there is an appeal to the Solicitor of Labor, the records are destroyed six years after final agency determination or 3 years after final court adjudication, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Head of agencies or component units within the Department who have custody of the records. See the appropriate Agency Official in the listing in the Appendix to this document.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained from individual requester, official documents, agency officials, and other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Department of Labor has claimed exemptions from several of its other systems of records under 5 U.S.C. 552a(k) (1), (2), (3), (5), and (6). During the course of a PA/FOIA action, exempt materials from those other systems may become part of the case record in this system. To the extent that copies of exempt records from those other systems are entered into these PA/FOIA case records, the Department has claimed the same exemptions for the records as they have in the original primary system of records of which they are a part.

DOL/CENTRAL–6

SYSTEMS NAME:

Supervisor's/Team Leader's Records of Employees.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records of membership in professional licensing organizations such as those for attorneys, accountants and physicians will be maintained in the supervisor's offices and in the national and regional Human Resources Offices. Emergency addressee information may be kept at the residence of or upon the supervisor's person when appropriate.

Note: Requests for a reasonable accommodation are made to supervisors. The Civil Rights Center may temporarily maintain a copy of such requests and of the medical documents submitted by the employee when the Public Health Service (PHS) physician completes his or her review of the request.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees, employees who have retired or left the office within the last 12 months, and employees who have been separated from the office or Department for more than 12 months for whom the former supervisor/team leader has retained records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to individuals while employed by the Department and which contain such information as: Record of employee/supervisor discussions, supervisor(s)/team leader(s) observations, supervisory copies of officially recommended actions, reports of Federal Telecommunications System telephone usage containing call detail information, awards, disciplinary actions, emergency addressee information, flexiplace records, reports of on-the-job accidents, injuries, or illnesses, correspondence from physicians or other health care providers, training requests, requests for regular leave, advanced leave, family and medical leave, and records of membership in professional licensing organizations such as those for attorneys, accountants and physicians. The system also contains records relating to requests for reasonable accommodation and/or leave, including medical documents submitted by employees, as well as reports and records by the PHS physicians who have reviewed the accommodation requests. The system also contains labor relations materials such as performance improvement plans, reprimands, suspensions of less than 14 days, leave restrictions and related materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 1302, 2951, 4118, Reorganization Plan 6 of 1950, and the Civil Service Reform Act of 1978. The Rehabilitation Act and the Americans with Disabilities Act.

PURPOSES(S):

To maintain a file for the use of supervisor(s)/team leader(s) in performing their responsibilities and to support specific personnel actions regarding employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES AND USERS AND THE PURPOSE OF SUCH USES:

In addition to the universal routine uses listed in the General Prefatory Statement to this document, the following routine uses apply to this system of records:

a. Selected information may be disclosed at appropriate stages of investigation and adjudication to the Department's Civil Rights Center, Merit Systems Protection Board, Office of Special Counsel, Federal Labor Relations Authority, Equal Employment Opportunity Commission, arbitrators, or the courts for the purposes of satisfying requirements related to investigation of or litigation related to alleged discrimination, prohibited personnel practices, and unfair labor practices.

b. Records relating to a request for a reasonable accommodation may be referred to PHS or other physicians for their review and evaluation of the request.

c. Data may be disclosed to medical providers for the purpose of evaluating sick leave absences based upon illness or injury.

d. Information may be disclosed to professional licensing organizations such as those for attorneys, accountants, and physicians for the purpose of confirming the membership status of the employee.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic and/or paper files.

RETRIEVABILITY:

Files are retrieved by name of employee or other identifying information.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data, and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are maintained on current employees. Review annually and destroy superseded or obsolete documents, or destroy file relating to an employee within 1 year after separation or transfer in accordance with General Records Schedule 1 Item 18a.

SYSTEM MANAGER(S) AND ADDRESS:

All supervisor(s)/team leader(s) having responsibility for performance management plans, performance standards, or ratings.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the applicable System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the applicable System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendments should be mailed to the applicable System Manager

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the individual, supervisor(s)/team leader(s), agency officials, medical providers, co-workers, and professional licensing organizations such as those for attorneys, accountants and physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT

None.

DOL/CENTRAL–7

SYSTEM NAME:

DOL Employee Conduct Investigations.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The offices of each component agency within the U.S. Department of Labor, including the National and Regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employee(s) against whom any allegations of misconduct or violations of law have been made.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative report(s), sworn affidavits, written statements, time and attendance records, earnings and leave statements, applications for leave, notifications of personnel actions, travel vouchers, performance appraisals, interviews and other data gathered from involved parties and organizations which are associated with the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSES(S):

To investigate allegations of misconduct or violations of law.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USERS:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name or case file number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are maintained on current employees. Review annually and destroy superseded or obsolete documents, or destroy file relating to an employee within 1 year after separation or transfer in accordance with General Records Schedule 1 Item 18a.

SYSTEM MANAGER(S) AND ADDRESS:

The relevant agency head for the applicable component agency within the U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be sent to the applicable System Manger.

RECORD ACCESS PROCEDURES:

A request for access shall be mailed to the applicable System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the applicable System Manager.

RECORD SOURCE CATEGORIES:

Incident reports submitted by employees or members of the general public; statements by subject and fellow employees; and other investigative reports.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

ADJ—DOL Adjudicatory Boards Systems of Records

DOL/ADJBDS–1

SYSTEM NAMES:

DOL Appeals Management System (AMS)

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Boards and their Information Technology (IT) service provider(s).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties involved in appeals proceedings before the Administrative Review Board (ARB), Benefits Review Board (BRB), and Employees' Compensations Appeals Board (ECAB), collectively referred to as the Boards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information assembled in case files pertaining to appeals to the Boards with respect to claims of employees for benefits under various statutes and programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; The Privacy Act of 1974 (5 U.S.C. 552a); 30 U.S.C. 901–62 (1982); 33 U.S.C. 901–50 (1982); 42 U.S.C. 1651–54 (1982); 36 DC Code 501–04 (1973); 5 U.S.C. 8171–73 (1982); 42 U.S.C. 1701–17 (1982); Surface Transportation Assistance Act, 49 U.S.C. 31105; 29 CFR part 1978; Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851 (1988); Clean Air Act, 42 U.S.C. 7622 (1988); Water Pollution Control Act, 33 U.S.C. 1367 (1988); Solid Waste Disposal Act, 42 U.S.C. 6971(a) (1988); Safe Drinking Water Act, 42 U.S.C. 300j–9(1988); Toxic Substances Control Act, 15 U.S.C. 2622 (1988); Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9610 (1988); Comprehensive Employment and Training Act, as amended, 29 U.S.C. 801(Supp. V 1981); 20 CFR part 627; Workforce Innovation and Opportunity Act, 29 U.S.C. 3101 *et seq.;* The Workforce Investment Act of 1998, 29 U.S.C. 2801 *et seq.*, Davis-Bacon Act, 40 U.S.C. 276a (1994); McNamara-O'Hara Service Contract Act of 1965, as amended; Migrant and Seasonal

Agricultural Worker Protection Act, 29 U.S.C. 1813(b), 1853(b) (1988); Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 907(j) (1988); Walsh-Healey Public Contracts Act, as amended, 41 U.S.C. 38; 41 CFR part 50–203; Age Discrimination Act of 1975, 42 U.S.C. 6101–6107 (1988); Title VI of the Civil Rights Act of 1964; Contract Work Hours and Safety Standards Act, 40 U.S.C. 327 *et seq.;* 29 CFR part 6; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681–1686 (1988); Employee Polygraph Protection Act of 1988, 29 U.S.C. 2001–2009 (1988); Equal Access to Justice Act, 5 U.S.C. 504 (1988); Executive Order No. 11,246, as amended, 3 CFR 339 (1964–1965 Comp.) reprinted in 42 U.S.C. 2000e app.; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 203(m) and (t), 211(d), 214(c) (1988); Federal Unemployment Tax Act, 26 U.S.C. 3304; Immigration Reform and Control Act of 1986, 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c), 1188 (1988); National Apprenticeship Act, 29 U.S.C. 50 (1988); Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801–3812 (1988); Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793, 794 (1988); Social Security Act, 42 U.S.C. 503 (Supp. V 1987); Single Audit Act of 1984, 31 U.S.C. 7501–7507 (1988); Trade Act of 1974, as amended, 26 U.S.C. 3302; Vietnam Era Veterans Readjustment Assistance Act, as amended, 38 U.S.C. 4212 (1988); and any laws enacted after May 3,1996, which by statute, law or regulation provide for final decisions by the Secretary of Labor upon appeal or review of decisions or recommended decisions of ALJs; 5 U.S.C. 8101 *et seq.*

PURPOSE:

Records are maintained for use in adjudication of appeals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure outside the Department of Labor may be made to federal courts. The Boards decisions are sent to commercial publishing companies for publication, and are also placed on the respective Board's Internet Web site.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by the Boards' docket number, Office of Administrative Law Judges (OALJ) number, Office of Workers' Compensation Programs (OWCP) number and claimant's name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

The Board retains the case file until it renders a decision on the appeal. The case file is then returned to the appropriate lower, adjudicatory entity (*e.g.,* the OWCP or OALJ). Copies of the appeal decision are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Clerk of the Board, Benefits Review Board, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Individuals requesting information pertaining to them should send a written and signed request to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager.

RECORD SOURCE CATEGORIES:

Records in the system include information submitted by claimants, employers, carriers, and other persons involved in appeals proceedings, as well as by the Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BLS—DOL Bureau of Labor Statistics Systems of Records

DOL/BLS–3

SYSTEM NAMES:

Staff Time Utilization System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Labor Statistics
Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regional Office (R.O.) BLS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include name, pay period, hours worked, units accomplished by PAS code for functions such as data collection, quality assurance, training, and other activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

STU data is used in the development of cost models for Bureau survey work. Codes define program and sub-program areas, work activities, and work locations. The data is used to track productivity and time usage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by a data field, such as name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data.

RETENTION AND DISPOSAL:

Records are retained by fiscal year, in accordance with BLS Records Schedule N1–257–86–4.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Business Operations, Office of Field Operations, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager. Provide the name and dates of employment.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Employee information contained in this system is obtained from the

Department of Labor Human Resources system (HR Connect). Regional Office employees self-report, electronically entering time worked into the "Staff Time and Utilization System" each pay period.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS–8

SYSTEM NAMES:

Automated Training Request Application (ATRA).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Labor Statistics, National Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

BLS employees who take training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, employee organization, course taken, course start date, course end date, total hours for course, course completion date, and course fee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The records are maintained to enable BLS to allocate costs of training to appropriate organization within BLS and managers and employees to track courses taken by employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by course title, course number, name of employee attending course, or other identifying codes.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files. Network passwords are necessary to access records. Access levels are created within automated systems to restrict unauthorized access to system utilities.

RETENTION AND DISPOSAL:

Records are retained for 5 years or when superseded or obsolete, whichever is sooner, in accordance with BLS Records Schedule N1–257–88–1.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Workforce Development and Training Branch, Division of Human Resources and Organization Management, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from applications for employees, training forms such as SF–182, certificates of course completion, BLS routine administrative files, or other application forms BLS may designate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS–9

SYSTEM NAMES:

Routine Administrative Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Labor Statistics, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

BLS employees, BLS contractors, and visitors to the Postal Square Building.

CATEGORIES OF RECORDS IN THE SYSTEM:

Several groups of records exist: ID card records, employee location records, separations database records, Postal Square Building Visitor system records, Postal Square Building Phone system records, facility service requests records, transit subsidy records, government credit card records, cardkey security records, print and duplication records, and emergency contact records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To record and track routine administrative data, maintain security, manage the facility, plan expenditures, maintain an employee locator system, and maintain emergency contact information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by individual's name, Social Security Number, or other information in the system.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained one to four years, in accordance with BLS Records Schedule N1–257–88–1, BLS Records Schedule N1–257–06–2, and the National Archives and Records Administration (NARA) General Records Schedule (GRS) 1–4, 6, 9, 11–13, 18, and 20.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Administrative Services, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

Chief, Division of Information Services, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the individual requester, official documents, agency officials, and other federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS–10

SYSTEM NAMES:

Commissioner's Correspondence Control System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Labor Statistics, Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals from whom correspondence is received in the Commissioner's Office of the Bureau of Labor Statistics.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about correspondence and the originators including the name of the sender, subject of the correspondence, name of the individual, office instructed to prepare a response, control number, dates, and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To record the receipt of correspondence, monitor the handling of correspondence, and facilitate a timely response to correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name, control number, office assigned response, dates.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for five years, in accordance with BLS Records Schedule N1–257–88–1.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Information Systems, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from correspondence received in the Commissioner's Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS–11

SYSTEM NAMES:

Mainframe User ID Database.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices of the Bureau of Labor Statistics (BLS) in Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

BLS employees, BLS contractors, state agencies employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include name, ID to access system, office address and phone number, and account number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To assign and maintain ID numbers, mainframe computer uses, locate mainframe users, and run an accounting program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by any of the fields listed in the Categories of Records in the System Section.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are reviewed at the beginning of each fiscal year, and inactive IDs from the previous year are deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Technology Measurement and Strategic Initiatives, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from BLS mainframe users.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS–13

SYSTEM NAMES:

National Longitudinal Survey of Youth 1979 (NLSY79) Database.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Maintained at the offices of a Bureau of Labor Statistics (BLS) contractor and

BLS offices in Washington, DC and Chicago, IL.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A sample of the general population who were ages 14–21 on December 31, 1978 (referred to as respondents), with over representation of blacks, Hispanics, economically disadvantaged whites, and persons serving in the military.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include, but are not limited to, name, social security number, control number, marital history, education, job history, unemployment history, military service, training history, family planning, child health history, alcohol use, drug use, reported police contacts, anti-social behavior, assets and income, school records, Government assistance program participation, childhood residence, child development outcomes, expectations, history of parent/child relationship, time use, time spent on child care and household chores, immigration history, and Armed Services Vocational Aptitude Battery scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. Sec. 2.

PURPOSE(S):

To serve a variety of policy-related research interests concerning the labor market problems of youth. Data are used for studies such as (but not limited to): Diffusion of useful information on labor, examination of employment and training programs, understanding labor markets, guiding military manpower and measuring the effect of military service, analysis of social indicators and measuring parental and child inputs and outcomes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

BLS may release records to a contractor to compile data which are not individually identifiable for use by the general public and federal agencies who are conducting labor force research. Under written agreement to protect the confidentiality and security of identifying information, BLS may provide potentially identifying geographic information to researchers to conduct specific research projects which further the mission and functions of BLS. The records also may be disclosed where required by law. Items 3, 4, 7, 8, 9, 10, and 11, 12, 13, and 14 listed in the General Prefatory Statement to this document are not applicable to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and on paper.

RETRIEVABILITY:

Files are stored electronically and/or on paper.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained permanently, in accordance with BLS Records Schedule N1–257–11–1.

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, NLS Youth 1979 Cohort Study, Office of Employment and Unemployment Statistics, Room 4945, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals who have participated in the survey.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS–14

SYSTEM NAMES:

BLS Behavioral Science Research Laboratory Project Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Labor Statistics, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual respondents who participate in studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include respondent's name, name of study, biographic/personal information on the respondent, and test results and observations.

AUTHORITY:

29 U.S.C. Sec. 2.

PURPOSE(S):

Biographic/personal information is used by BLS to select participants for studies. Test results and observations are used by BLS to better understand the behavioral and psychological processes of individuals, as they reflect on the accuracy of BLS information collections.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document with the following limitations: The Routine Uses listed at paragraphs 3, 4, 7, 8, 9, and 11 in the General Prefatory Statement to this document are not applicable to this system of records. The records also may be disclosed where required by law.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by respondent's name, study title or participant identification number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for one to three years, in accordance with BLS Records Schedule N1–257–09–02.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Behavioral Sciences Research Center, Office of Survey Methods Research, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from respondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS–17

SYSTEM NAMES:

National Longitudinal Survey of Youth 1997 (NLSY97) Database.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Maintained at the offices of a Bureau of Labor Statistics (BLS) contractor and BLS offices in Washington, DC and Chicago, IL.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A sample of the general population who were ages 12–16 on December 31, 1996 (referred to as respondents), with over representation of blacks, Hispanics, and disabled students.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include, but are not limited to, name, social security number, control number, marital history, education, job history, unemployment history, military service, training history, fertility/family planning, child health history, alcohol use, drug use, reported police contacts, anti-social behavior, assets and income, school records, Government assistance program participation, childhood residence, child development outcomes, expectations, history of parent/child relationship, time use, time spent on child care and household chores, immigration history, and Armed Services Vocational Aptitude Battery scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. Sec. 2.

PURPOSE(S):

To serve a variety of policy-related research interests concerning the school-to-work transition and the labor market problems of youth. Data are used for studies such as (but not limited to): diffusion of useful information on labor, examination of employment and training programs, understanding labor markets, analysis of social indicators, measuring parental and child input and outcomes, norming the Department of Defense Armed Services Vocational Aptitude Battery in its computerized adaptive form, and creation of norms for the Department of Defense Interest Measure.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

BLS may release records to a contractor to compile data which are not individually identifiable for use by the general public and federal agencies who are conducting labor force research. Under written agreement to protect the confidentiality and security of identifying information, BLS may provide potentially identifying geographic information to researchers to conduct specific research projects which further the mission and functions of BLS. The records also may be disclosed where required by law. Items 3, 4, 7, 8, 9, 10, 11, 12, 13, and 14 listed in the General Prefatory Statement to this document are not applicable to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name or control number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data, and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained permanently, in accordance with BLS Records Schedule N1–257–11–1.

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, NLS Youth 1997 Cohort Study, Office of Employment and Unemployment Statistics, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals who have participated in the survey.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS–18

SYSTEM NAMES:

Postal Square Building Parking Management Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Labor Statistics (BLS), Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals assigned or applying for assignment of parking privileges in the Postal Square Building, Washington, DC.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes the following information on all individuals assigned or applying for parking privileges in the Postal Square Building: Name of driver and rider(s), office building and room number, office telephone number, employing agency home address including city, State and zip code, federal service computation date, handicap certification, automobile license numbers, make and year of car, permit number (if assigned parking privileges), category of assignments, estimated times of arrival and departure, and whether the applicant is in or out of the zone of special consideration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The information is used by the BLS in the administration of the Postal Square Building vehicle parking and car pool programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Disclosure of information may be made to other government agencies to compare names of car pool members. For verification and, as a service to car pool seekers, the name of each driver and rider, permit number office telephone number and address of the driver and rider, home address, will be displayed within BLS facilities and on automated information systems including the Intranet. Information may be provided to other applicants or listed members of the carpool, or their supervisors in order to confirm information provided on the application.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by individual's name, permit number or other information in the system.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for three months, in accordance with the National Archives and Records Administration (NARA) General Records Schedule (GRS) 11, Item 4a [*http://www.archives.gov/records-mgmt/grs/grs11.html*].

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Administrative Services, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual requesters' applications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT

None.

DOL/BLS–19

SYSTEM NAME:

Customer Information Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices in the Bureau of Labor Statistics (BLS), Washington, DC and in each of the BLS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (customers) requesting BLS information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information necessary to satisfy customers' requests and enhance service to customers. Depending on the nature of the request, may include (but is not limited to) name, occupation, organization name, mailing address, telephone and fax numbers, information requested, electronic mail addresses, registration keys, and dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To enhance customer service by improving the availability of BLS information on automated systems, to facilitate providing information about BLS and its data products to customers with corresponding interests, and to allow BLS staff to better understand who our customers are and what they're interested in. Maintaining the names, addresses, etc. of customers requesting BLS data/publications will enable BLS to streamline the process for handling subsequent customer inquiries and requests by eliminating duplicative gathering of mailing information. Maintaining electronic mail addresses and provided organization name allows BLS to proactively contact customer of problems with data requests such as 'run away queries' ensuring fairer access to all BLS data customers. Another purpose is to inform customers of new features, changes to existing features or changes in the conditions of use of the files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name, email address, telephone (including the telephone number from which the customer dials), or other identifying information in the System.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data.

RETENTION AND DISPOSAL:

Email addresses remain on mailing lists until the customer requests removal from the list, or when the email bounces back. Other PII is deleted from the database 90 days after the customer's last date of inquiry. Registration keys expire after 366 days and associated records are deleted unless a customer registers again for another year.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner for Publications and Special Studies, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

Associate Commissioner for Field Operations, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

Chief, Division of Enterprise Web Systems, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Managers.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Managers.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Managers.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from subject of the record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS–20

SYSTEM NAME:

Fellowship Applicants and Recipients Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices in the Bureau of Labor Statistics (BLS) National Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and recipients of fellowship awards (*e.g.,* Fellows in the American Statistical Association/ National Science Foundation/BLS Fellowship Program), who are not Federal employees but are assigned to work with BLS staff and/or BLS non-public data files).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include the individual's name, school transcripts, work address and telephone number, home address and telephone number, and biographical information, applications, research proposals and related papers, test results, and other documents such as correspondence with the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To assure that the appropriate records on fellowship awards are maintained and are available for official use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data, and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained on a permanent basis. Records are transferred to the Federal Records Center when five (5) years old. They are offered to National Archives and Records Administration in ten (10) year blocks, when the most recent record is twenty (20) years old. BLS Record schedule N1–257–09–02.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner for Survey Methods Research, Postal Square Building, 2 Massachusetts Ave. NE., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from applicants and award recipients, references, the Education Testing Service, educational institutions supplying transcripts, review records, and administrative data developed during the selection process and/or award tenure.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS–21

SYSTEM NAME:

Data Sharing Agreements Database (DSA).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices of the Bureau of Labor Statistics (BLS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and recipients of BLS data sharing agreements who are granted access to non-public BLS data files. Individuals may be federal employees or private individuals designated as "agents" under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include individuals' names, addresses, telephone numbers, email addresses, organizational affiliation, project title, and project description. The records also include the name, addresses, telephone numbers, and email addresses of the signing official for the agreement at the individual's organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To assure that appropriate records on data sharing agreements are maintained and are available for official use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by individual's name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for 5 years after agreement has become inactive (*i.e.* expired), in accordance with BLS Historical Records Schedule N1–257–88–1.

SYSTEM MANAGER(S) AND ADDRESS:

Data Sharing Agreement Coordinator, Division of Management Systems, Office of Administration, Bureau of Labor Statistics, Postal Square Building, 2 Massachusetts Avenue NE., Washington DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from applicants and recipients of BLS data sharing agreements who request and/or are granted access to non-public BLS data files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

EBSA—DOL Employees Benefits Security Administration Systems of Records

DOL/EBSA–1

SYSTEM NAME:

The Employee Retirement Income Security Act of 1974 (ERISA) Filing and Acceptance System 2—One Participant Plans Filing a Form 5500SF.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Technology and Information Services, U.S. Department of Labor, Employee Benefits Security Administration (EBSA), 200 Constitution Avenue NW., Washington, DC 20210.

The EFAST2 servers are located at the sites of contractors, who operate the system on behalf of the Department of Labor. Contractors own the system hardware and communications and the Department of Labor owns the custom software and data.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed a Form 5500SF and checked the one-participant plan box in Part I item A of the form.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data includes all fields on the Form 5500SF and any included schedules or attachments.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1021 *et seq.*

PURPOSE(S):

ERISA and provisions of the Internal Revenue Code require certain employee benefit plans to submit information annually to the Federal Government (EBSA, Internal Revenue Service (IRS), and Pension Benefit Guaranty Corporation (PBGC)) through the Form 5500 series. One-participant plan filers are given the option to file Form 5500EZ on hard copy directly to the IRS or they may file electronically through EFAST2 using the Form 5500SF.

Note: This system of records is maintained by the Department of Labor for the benefit of the Internal Revenue Service (IRS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, EFAST2 data is used for internal reporting by EBSA and furnished to three other Government Agencies: The Internal Revenue Service (IRS), the Social Security Administration (SSA), and PBGC.

Consistent with DOL's information sharing mission, information stored in EFAST2 may be shared with other DOL components, as well as appropriate Federal, State, local, tribal, foreign, or international government agencies. This sharing will only take place after it is determined that the receiving component or agency has a need to know the information to carry out functions consistent with the routine uses set forth in this system of records notice. The IRS uses one-participant Form 5500–SF data to administer requirements of I.R.C. 6058(a) and 6059(a).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by individual's name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

The EFAST2 Record Schedule (N1–317–11–1) was approved by National Archives and Records Administration on May 10, 2011. All records will be maintained in accordance with the approved schedule.

SYSTEM MANAGER(S) AND ADDRESS:

EFAST2 Program Manager, Office of Technology and Information Services, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from one participant filers who file a Form 5500SF electronically.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/EBSA–2

SYSTEM NAME:

EBSA Correspondence Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Exemption Determinations, Office of Regulations and Interpretations, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Correspondents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records includes letters requesting information, advisory opinions, FOIA requests, Privacy Act Requests, or submitting comments, the Department's replies thereto, and related internal memoranda, including notes pertaining to meetings and telephone calls. Medium sensitivity due to the possibility of SSN provided with correspondence, though not requested by this Agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C., 1134 and 1136.

PURPOSE(S):

These records are maintained to take action on or to respond to a complaint, inquiry or comment concerning certain aspects of Title I of ERISA or to respond to requests under FOIA or Privacy Act and to track the progress of such correspondence through the office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by an individual name or control number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In accordance with the Record Schedule (N1–317–02–2), if there is litigation in the underlying matter, the file is retained for three years after the litigation is completed. Requests for advisory opinions and the replies thereto are retained indefinitely, requests for information are destroyed one year after completion of project. Electronic index is destroyed six years after date of last entry.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Exemption Determinations, Director, Office of Regulations and Interpretations Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORDS ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from correspondence from individuals and responses thereto.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/EBSA–3

SYSTEM NAME:

Technical Assistance and Inquiries System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Electronic information is housed in Office of Technology and Information Services, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210. Ancillary hard copy records such as incoming/outgoing correspondence are housed in the regional or district office that handled the inquiry.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Correspondents and callers requesting information and assistance; Correspondents and callers requesting information from the EBSA Public Disclosure Room.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written and telephone inquiries from employee benefit plan participants, plan professionals and congressional offices regarding all aspects of pension and welfare benefit plans and records which provide the status of individuals under these plans. System also contains referrals from the Department of Health and Human Services (HHS) and state agencies related to health care benefit plans. Medium sensitivity due to the possibility of the record containing social security numbers, personal financial data or personal medical information. Includes names, addresses and other contact information.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1134 and 1136.

PURPOSE(S):

These records are used to take action on or respond to inquiries from Members of Congress and private citizens or referrals from the HHS or state insurance agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, records in this system may be disclosed to the relevant employee benefit plan administrator, third party administrator, insurance carrier or other party as necessary to facilitate a resolution to the circumstance presented by the individual seeking assistance from the agency; or to the referring component within HHS or referring state agency in order to report on the status or final disposition of the referral. Information disclosed will be provided periodically via electronic reports.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name of individual, telephone number, email address, company, Employer Identification Number, or HHS or state agency referral number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Manual records are maintained for one year after closing the file, then destroyed. Computer files are maintained for the same period as the manual records or are kept indefinitely in the database and deleted when no longer needed, whichever is later, pursuant to General Records Schedule 14 (Information Services).

SYSTEM MANAGER(S) AND ADDRESS:

In the National office: Director, Office of Outreach, Education, and Assistance, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. In the Regional offices: Regional Director. In the District Offices: District Supervisor.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Individuals or Members of Congress seeking technical assistance, information, or referrals from HHS or state agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or portions of records containing personally identifiable information for individuals other than the subject of the file shall be exempt from disclosure under the Privacy Act. Records or portions of records comprising information that is exempt from disclosure under Specific Exemption (k)(2) or Subsection (d)(5).

DOL/EBSA–4

SYSTEM NAME:

Public Disclosure Request Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Labor, Employee Benefits Security Administration (EBSA), Public Disclosure Room, U.S. Department of Labor, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data regarding the request for copies of plan filings made with the Department of Labor or the Internal Revenue Service. Data includes individual requester's name, street address, city, state, zip code, and telephone number, the Employer Identification Number and Plan Number of the plan for which information has been requested and the documents requested.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1021 *et seq.*

PURPOSE(S):

These records are used by authorized EBSA disclosure personnel to process requests made to the Public Disclosure Room and by EBSA managers to compile statistical reports regarding such requests for management information purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by individual name, control number or EIN/PN of requested plan.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedule 14.

SYSTEM MANAGER(S) AND ADDRESS:

Director of the Office of Outreach, Education and Assistance, Employee Benefits Security Division, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals requesting documents from the Public Disclosure Room.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/EBSA–5

SYSTEM NAME:

EBSA Debt Management System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Program Planning, Evaluation and Management, and Office of Technology and Information Services, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and/or companies who have been assessed fines or penalties under provisions of ERISA sections 502(c)(2), 502(i) and 502(l).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing data regarding the assessment of fines/penalties under provisions of ERISA sections 502(c)(2), 502(i) and 502(l). Data includes individuals and/or companies name, street address, city, state, zip code, telephone number, taxpayer identification number or company EIN, and transaction information (*e.g.*, correspondence, penalty amount, debt status, and payment records). Moderate sensitivity due to storage of company/personal identifiable data and financial information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1132, 31 U.S.C. 3711(a) and 29 CFR part 20.

PURPOSE(S):

Records are used for maintaining an ongoing Debt Collection/Management Program requiring tracking and accounting for assessed fines/penalties, determination of collection status and assignment of delinquent debts to Treasury and private collection agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Relevant records may be disclosed to Treasury or private collection agencies in order for them to collect debts subject to this program.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Records may be disclosed for delinquent accounts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Debt Collection/Management data is retrieved by the EBSA-assigned case number and cross-reference debtor taxpayer identification number or company EIN.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In accordance with Records Schedule N1–317–92–1, records are retained for two years after the case is closed or until expiration of applicable statute of limitations, whichever occurs earlier.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Investigators and auditors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/EBSA–6

SYSTEM NAME:

EBSA Consolidated Training Record.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Program Planning, Evaluation and Management, Employee Benefits Security Administration (EBSA), 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Employee Benefits Security Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records reflect educational attainment levels (to include areas of study), professional certifications, date of accession to EBSA, in-house (EBSA) technical training courses, Federal Law Enforcement Training Center programs, and Office of Personnel Management classes completed by employees of the Employee Benefits Security Administration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

These records are used to identify which employees have completed certain courses, and the number of employees awaiting training. This information, in the aggregate, helps project the number of courses to schedule for succeeding years. The prior formal education information is used to respond to Congressional and other inquiries regarding the educational attainment level of our workforce. Finally, a combination of the data elements is used to identify employees with specific educational backgrounds and current skill levels who may be considered as instructors for the several agency-sponsored courses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically.

RETRIEVABILITY:

Files are retrieved by individual employee name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data.

RETENTION AND DISPOSAL:

In accordance with General Records Schedule 1, records are retained for 5 years or when no longer needed, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

EBSA Training Coordinator, Office of Program Planning, Evaluation and Management, EBSA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Individual employees, SF171s, or resume(s) submitted at time of accession to EBSA and individual training course records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/EBSA–7

SYSTEM NAME:

Office of Enforcement Correspondence Tracking System, DFO CTS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Technology and Information Services, U.S. Department of Labor, Employee Benefits Security Administration, (EBSA), 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Correspondents, such as employee benefit plan professionals, and other individuals involved in investigations and enforcement actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information including plan name, plan administrator's name, service provider's name, trustee's name, and names of other individuals (such as the named defendants) involved in investigations and enforcement actions. Letters from the general public requesting information under the Freedom of Information Act or relating to all aspects of pension and welfare benefit plans covered by Title I of the Employee Retirement Income Security Act of 1974 (ERISA), the status of individuals under these plans, the Department's replies to the inquiries, and related internal memoranda, including notes pertaining to meetings and telephone calls.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1134 and 1136.

PURPOSE(S):

This system of records is used to track the progress of correspondence through the Office of Enforcement, including a record of action taken on or response to an inquiry received from the general public or others, and to access investigative information related to field office correspondence regarding investigations instituted by the Department of Labor (DOL) under the Title I of the Employee Retirement Income Security Act of 1974 (ERISA). The investigative files are used in the prosecution of violations of law, whether civil, criminal or regulatory in nature.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, pursuant to 29 U.S.C. 1134, a record from this system of records may be disclosed, subject to the restrictions imposed by various statutes and rules, such as the Privacy Act, to a department or agency of the United States, or to any person actually affected by any matter which may be the subject of the investigation; except that any information obtained by the Secretary of Labor pursuant to section 6103(g) of Title 26 shall be made available only in accordance with regulations prescribed by the Secretary of the Treasury.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of the plan, service provider name, trustee name, the name of another individual (such as the named defendant) involved in the investigation or enforcement action, or the name of the correspondent. Files are also retrieved by case number and the plan's employer identification number (EIN).

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In accordance with the Records Schedule, N9–317–00–02, records are retained for seven years. The electronic database files are deleted when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Enforcement, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be made to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be made to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Correspondence from individuals, individual complaints, witnesses, or interviews conducted during investigations or plan participant or beneficiary information obtained during investigations on cases opened in the Office of Enforcement or in any of the EBSA field offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

a. Criminal Law Enforcement: In accordance with subsection 552a(j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), information maintained for criminal law enforcement purposes in EBSA's Office of Enforcement or its field offices is exempt from subsections (c)(3), and (4), (d), (e)(1), (2), and (3), (e)(4)(G), (H), and (I), (e)(5) and (8), (f), and (g) of 5 U.S.C. 552a.

b. Other Law Enforcement: In accordance with subsection 552a(k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for civil law enforcement purposes is exempt from subsections (c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a.

DOL/EBSA–8

SYSTEM NAMES:

EBSA Enforcement Management System (electronic); EBSA Civil Litigation Case Tracking System (paper); EBSA Criminal Case Information System (paper).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Technology and Information Services, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210; Office of Enforcement, EBSA, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210, and all EBSA field offices as listed in the Appendix A to this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Plan administrators, trustees, and those individuals who provide advice or services to employee benefit plans, and other individuals (such as the named defendants) involved in investigations and enforcement actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records tracked electronically includes fields such as plan name, plan administrator's name, service provider's name, trustee's name, and names of other individuals (such as the named defendants) involved in investigations and enforcement actions. Case notes are entered to document case activity during the investigative process.

In addition to an electronic database, paper case files are generated for enforcement activities, both civil and criminal.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1134 and 29 U.S.C. 1136.

PURPOSE(S):

This system of records is used to access information related to case files involving investigations instituted by the Department of Labor (DOL) under the Title I of the Employee Retirement Security Act of 1974 (ERISA). The investigative files are used in the prosecution of violations of law, whether civil or criminal in nature.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, pursuant to 29 U.S.C. 1134, a record from this system of records may be disclosed, subject to the restrictions imposed by various statutes and rules, such as the Privacy Act, to a department or agency of the United States, or to any person actually affected by any matter which may be the subject of the investigation; except that any information obtained by the Secretary of Labor pursuant to section 6103 of Title 26 shall be made available only in accordance with regulations prescribed by the Secretary of the Treasury. Consistent with DOL's enforcement mission, records of individuals debarred under 29 U.S.C. 1111 will be posted on EBSA's Web site.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved from the electronic database by the name of the plan, service provider name, trustee name, or the name of another individual (such as the named defendant) involved in the investigation or enforcement action. Records are also retrieved by case number, the plan's employer identification number (EIN) and plan number (if known), or service provider or trustee EIN.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In accordance with the Records Schedule, NCI–317–00–02, records are retained for one year after case completion by voluntary compliance or litigation, or related actions following voluntary compliance or litigation. After one year, the case files are transferred to the Federal Records Center for seven (7) years and then destroyed. The electronic database files are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

In the national office: Director of Enforcement, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. In the Regional offices: The Regional Director (as listed in the Appendix to this document; in the District Offices:

The District Supervisor (as listed in the Appendix A to this document).

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual complaints, witnesses, or interviews conducted during investigations or plan participant or beneficiary information obtained during investigations on cases opened in the Office of Enforcement or in any of the EBSA field offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

a. Criminal Law Enforcement: In accordance with subsection 552a(j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), information maintained for criminal law enforcement purposes in EBSA's Office of Enforcement or its field offices is exempt from subsections (c)(3) and (4), (d), (e)(1), (2), and (3), (e)(4)(G), (H), and (I), (e)(5) and (8), (f), and (g) of 5 U.S.C. 552a.

b. Other Law Enforcement: In accordance with subsection 552a(k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for civil law enforcement purposes is exempt from subsections (c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a.

DOL/EBSA–9

SYSTEM NAME:

Office of Exemption Determination (OED) ERISA Section 502(l) Files; OED Case Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Exemption Determinations and Office of Technology and Information Services, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have petitioned the Secretary of Labor for relief from the monetary penalties imposed under ERISA Sec. 502(l).

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters from individuals seeking relief from the 502(l) penalties, attachments supporting their petitions for relief, the Department's replies thereto, and related internal memoranda, including notes pertaining to meetings and telephone calls. Includes names and addresses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1108 and 29 U.S.C. 1135.

PURPOSE(S):

These records are maintained to document the Department's response to petitioners' requests for relief from the section 502(l) penalties. Such penalties are imposed upon those who are found to have violated the fiduciary and prohibited transaction provisions of Part 4 of Title I of ERISA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name of requestor and/or control number using a computerized index.

SAFEGUARDS:

Access to these records is limited to authorized EBSA staff. Computer system is password protected and accessible only to personnel creating the database.

RETENTION AND DISPOSAL:

In accordance with Records Schedule Number N1–317–93–1, manual records are maintained in the Office of Exemption Determinations for up to two years after case closure, then transferred to the Federal Records Center for retention for an additional 23 years. Electronic records are destroyed on the same schedule as the manual files or when no longer needed, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Suite 400, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORDS ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals requesting a 502(l) exemption and the responses thereto.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/EBSA–10

SYSTEM NAME:

Form 5500EZ Filings.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Labor, Employee Benefits Security Administration, Attention: EFAST 3833 Greenway Drive, Lawrence, KS 66046–1290.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed a Form 5500EZ with the Department of Labor prior to January 1, 2010.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms 5500EZ filed with the Department of Labor prior to January 1, 2010.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 6058(a); 29 U.S.C. 1134 and 1136.

PURPOSE(S):

To satisfy the reporting and disclosure requirements mandated by the Employee Retirement Income Security Act of 1974, as amended, and the Internal Revenue Code.

Note: This system of records is maintained by the Department of Labor for the benefit of the Internal Revenue Service (IRS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved using any Form 5500–EZ field, including plan administrator name, employer identification number, plan number; and plan year.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

The EFAST2 Record Schedule (N1–317–11–1) was approved by National Archives and Records Administration on May 10, 2011. All records will be maintained in accordance with the approved schedule.

SYSTEM MANAGER(S) AND ADDRESS:

EFAST2 Program Manager, Office of Technology and Information Services, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals filing Form 5500EZ filings.

DOL/EBSA–11

SYSTEM NAME:

ERISA Filing and Acceptance System 2 Internet Registration Database (IREG).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Technology and Information Services, U.S. Department of Labor, Employee Benefits Security Administration (EBSA), 200 Constitution Avenue NW., Washington, DC 20210.

EFAST2 is located at the site of contractors, who operate the system on behalf of the Department of Labor. Contractors own the system hardware and communications and the Department of Labor owns the custom software and data.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file/sign Form 5500 and Form 5500–SF electronically, third party software developers, and certain Government staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records includes the individual filer's name, street address, city, state, zip code, telephone number, fax number, email address, company name, password, user type, security challenge questions and answers, User ID, and PIN.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1021 *et seq.*, 29 U.S.C. 1135.

PURPOSE(S):

The Internet registration (IREG) application allows the public to electronically register on the EFAST2 Web site and obtain electronic filing credentials (User ID and PIN). These credentials are required for accessing restricted portions of the EFAST2 Web site, signing the Form 5500 or Form 5500–SF, and issuing authenticated web service requests to the EFAST2 system. EFAST2 will use the registration database to restrict Web site access, authenticate web service requests, validate filing signatures upon receipt of each filing, and to facilitate official correspondence and compliance assistance outreach. The IREG Database stores the electronic filing participant credentials. The IREG Database is populated by the IREG application.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Filing credentials are used by the public to electronically file Form 5500 and/or Form 5500–SF through the EFAST2 Web Portal. Filing credentials are also used as electronic signatures on Form 5500 and/or Form 5500–SF filings. Filing credentials are tied to the registration data to provide the Government with contact information (*i.e.*, name, address and phone number) for EFAST2 users. In addition to those universal routine uses listed in the General Prefatory Statement to this document, the Government may use the IREG information to contact signers/transmitters of EFAST2 filings, issue official correspondence, and to provide registrants with information from EBSA's compliance assistance programs. DOL may also share the contact information with other federal agencies, if it determines by careful review that the records or information are both relevant and necessary to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity, and that the use of such records or information is for a purpose that is compatible with the purposes for which the agency collected the records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

The EFAST2 Record Schedule (N1–317–11–1) was approved by National Archives and Records Administration on May 10, 2011. All records will be maintained in accordance with the approved schedule.

STORAGE:

Files are stored electronically.

RETRIEVABILITY:

Files are retrieved by searching IREG Database by UserID, an individual's registration information (*i.e.*, name, address, phone number, etc.) can be retrieved.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data.

RETENTION AND DISPOSAL:

The EFAST2 Record Schedule (N1–317–11–1) was approved by National Archives and Records Administration on May 10, 2011. All records will be maintained in accordance with the approved schedule.

SYSTEM MANAGER(S) AND ADDRESS:

EFAST2 Program Manager, Office of Technology and Information Services, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual filers, third party software developers, and certain government staff who register electronic filing credentials through the EFAST2 Web site.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/EBSA–12

SYSTEM NAME:

Delinquent Filer Voluntary Compliance Program (DFVC) Tracking System; Delinquent Filer Voluntary Compliance Program 99.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Technology and Information Services, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Fiduciaries who failed to comply with plan administrator fiduciary responsibilities; non-filers, stop filers and late filers of ERISA annual reports who voluntarily seek relief of reporting penalties after filing appropriate annual report(s).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information including plan name, plan administrator's name, service provider's name, trustee's name, addresses and names of other individuals involved in the DFVC program. Information about individuals may contain Personally Identifiable Information (PII).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1134 and 1136.

PURPOSE(S):

The Office of the Chief Accountant (OCA) uses the application to track records of participants of the EBSA Delinquent Filer Voluntary Compliance Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to the universal routine uses listed in the General Prefatory Statement to this document, records of plans that participate in the DFVC program help to avoid opening investigations by the OCA for violations that would otherwise be subject to more strict penalties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or paper.

RETRIEVABILITY:

Files are retrieved using a relational database and Form 5500 plan identifiers such as plan name, plan number, city, state and unique case ID.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguard are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In accordance with Records Schedule N1–317–92–1, manual records are maintained in the Office of the Chief Accountant for up to two years after case closure, then transferred to the Federal Records Center for retention for an additional six years. Electronic records are destroyed on the same schedule as the manual files or when no longer needed, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of the Chief Accountant, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this System is obtained from submissions of filings by Plan Administrators and Plan Sponsors under the EBSA DFVC Program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

a. Criminal Law Enforcement: In accordance with subsection 552a(j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), information maintained for criminal law enforcement purposes in EBSA's Office of Enforcement or its field offices is exempt from subsections I(3) and (4), (d), (e)(1), (2), and (3), (e)(4)(G), (H), and (I), (e)(5) and (8), (f), and (g) of 5 U.S.C. 552a.b.

b. Other Law Enforcement: In accordance with subsection 552a(k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for civil law enforcement purposes is exempt from subsection (c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a.

DOL/EBSA–13

SYSTEM NAME:

OCA Case Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Technology and Information Services, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Fiduciaries who fail to comply with plan administrator fiduciary responsibilities, or those fiduciaries who are engaged in activities prohibited by ERISA; non-filers, stop filers, late filers, and deficient filers of ERISA annual reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include paper files which may contain Personally Identifiable Information (PII) and electronic files which may contain PII. The electronic files contain only plan administrator information. Information stored includes plan name, plan administrator's name, service provider's name, trustee's name, addresses and names of other individuals involved in investigations and enforcement actions. There are also case notes to document case activity during the investigative process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1134 and 1136.

PURPOSE(S):

The Office of the Chief Accountant (OCA) uses the OCATS application to monitor enforcement actions against fiduciaries who fail to comply with plan administrator fiduciary responsibilities, or those fiduciaries who are engaged in activities prohibited by ERISA. On average 3500 to 5000 cases per year are generated requiring OCA intervention.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory

Statement to this document, pursuant to 29 U.S.C. 1134, a record from this system of records may be disclosed, subject to the restrictions imposed by various statutes and rules, such as the Privacy Act, to a department or agency of the United States, or to any person actually affected by any matter which may be the subject of the investigation; except that any information obtained by the Secretary of Labor pursuant to section 6103 of Title 26 shall be made available only in accordance with regulations prescribed by the Secretary of the Treasury.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by using a relational database and Form 5500 plan identifiers such as plan name, plan number, city, state and unique case ID.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In accordance with Records Schedule N1–317–92–1, manual records are maintained in the Office of the Chief Accountant for up to two years after case closure, then electronically imaged to the OCATs database for retention for an additional six years. Electronic records are destroyed on the same schedule as the manual files or when no longer needed, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of the Chief Accountant, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Investigations and computer targeting searches of previous Forms 5500 filings performed by the OCA of existing plan filings to determine status of non-filers, deficient filers, late and stop filers of required information returns for employee benefit plans. Ancillary sources within the EBSA include investigations by the Office of Enforcement and EBSA field offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

a. Criminal Law Enforcement: In accordance with subsection 552a(j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), information maintained for criminal law enforcement purposes in EBSA's Office of Enforcement or its field offices is exempt from subsections (c)(3) and (4), (d), (e)(1), (2), and (3), (e)(4)(G), (H), and (I), (e)(5) and (8), (f), and (g) of 5 U.S.C. 552a.

b. Other Law Enforcement: In accordance with subsection 552a(k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for civil law enforcement purposes is exempt from subsections (c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G) and (I), and (f) of 5 U.S.C. 552a.

DOL/EBSA–14

SYSTEM NAME:

Office of Health Plans Standards and Compliance Assistance (OHPSCA) Case Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Technology and Information Services, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Health benefits plan administrators, sponsors and health plan participants who request information and assistance on HIPAA, ERISA and other laws affecting group health plans, as well as enforcement of HIPAA and ERISA with respect to group health plans and multi-employer welfare arrangements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include requestor's name, address, telephone number, as well as plan administrator contact information and associated case notes encompassing compliance assistance requests as well as enforcement activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1134 and 29 U.S.C. 1136.

PURPOSE(S):

The system tracks inquiries from participants and group health plans for compliance assistance and technical assistance on HIPAA, ERISA and other laws and regulations. The system also tracks enforcement cases against group health plans and multi-employer welfare arrangements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, pursuant to 29 U.S.C. 1134, a record from this system of records may be disclosed, subject to the restrictions imposed by various statutes and rules, such as the Privacy Act, to a department or agency of the United States, or to any person actually affected by any matter which may be the subject of the investigation; except that any information obtained by the Secretary of Labor pursuant to section 6103 of Title 26 shall be made available only in accordance with regulations prescribed by the Secretary of the Treasury.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved via a relational database, using the fields listed under categories of records that are captured from inquiries made and correspondence issued to the Agency.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In accordance with Records Schedule Number N1–317–93–1, manual records are maintained in the Office of Health Plan Standards and Compliance Assistance for up to two years after case closure, then transferred to the Federal Records Center for retention for an additional 23 years. Electronic records are destroyed on the same schedule as the manual files or when no longer needed, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Health Plan Standards and Compliance Assistance, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to records should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from plan participants, group health plan administrators and state insurance commissioners.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

a. Criminal Law Enforcement: In accordance with subsection 552a(j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), information maintained for criminal law enforcement purposes in EBSA's Office of Enforcement or its field offices is exempt from subsections (c)(3) and (4), (d), (e)(1), (2), and (3), (e)(4)(G), (H), and (I), (e)(5) and (8), (f), and (g) of 5 U.S.C. 552a.

b. Other Law Enforcement: In accordance with subsection 552a(k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for civil law enforcement purposes is exempt from subsections (c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G),(H), and (I), and (f) of 5 U.S.C. 552a.

DOL/EBSA–15

SYSTEM NAME:

Fee Disclosure Failure Notice Database.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Enforcement, EBSA, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210, and all EBSA field offices as listed in Appendix A to this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Responsible plan fiduciaries and covered service providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include plan name, fiduciary's name, and service provider's name, relating to contracts and arrangements between plans and service providers.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1104, 29 U.S.C. 1108, and 29 U.S.C. 1134–1136.

PURPOSE(S):

This system of records maintains information related to the notice responsible plan fiduciaries submit, as a condition of the class exemption under 29 U.S.C. 2550.408b–2(c)(1)(ix), regarding service providers who have failed to make disclosures as required under 29 U.S.C. 2550.408b–2(c). The Office of Enforcement and EBSA field offices will use the information to carry out their enforcement responsibilities under Title I of the Employee Retirement Income Security Act of 1974 (ERISA), including the fee and expense disclosure requirements of 29 U.S.C. 2550.408b–2(c) and 29 U.S.C. 2550.404a–5.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to the universal routine uses listed in the General Prefatory Statement to this document, records in this system may be disclosed, subject to the restrictions imposed by various statutes or rules, such as the Privacy Act, to any department or agency of the United States; except that any information obtained by the Secretary of Labor pursuant to section 6103 of Title 26 shall be made available only in accordance with regulations prescribed by the Secretary of the Treasury.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or paper.

RETRIEVABILITY:

Files are retrieved from the electronic database by the name of the plan, name of the responsible plan fiduciary, service provider name, or the name of a contact person for the plan or service provider. Records are also retrieved by the plan number, the plan sponsor's employer identification number (EIN), or the covered service provider's EIN.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In accordance with Records Schedule Number N1–317–92–1, records are retained by the Office of Enforcement for one year after receipt or completion by voluntary compliance or litigation or subsequent related actions, whichever is later, and then transferred to the Federal Records Center and kept for seven (7) years and then destroyed. Electronic database files are retained for the same period as manual files.

SYSTEM MANAGER(S) AND ADDRESS:

In the National Office: The Director of Enforcement, Employee Benefits Security Administration, US Department of Labor, 1200 Constitution Avenue NW., Washington, DC 20210.

In the Regional offices: The Regional Director.

In the District offices: The District Supervisor.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from plan fiduciaries, investigators, and other appropriate Office of Enforcement or EBSA field office staff.

SYSTEMS EXEMPTED FROM CERTAIN CATEGORIES:

a. Criminal Law Enforcement: In accordance with subsection 552a(j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), information maintained for criminal law enforcement purposes in this system of records is exempt from subsections (c)(3) and (4), (d), (e)(1), (2), and (3), (e)(4) (G), (H), and (I), (e)(5) and (8), (f), and (g) of 5 U.S.C. 552a.

b. Other Law Enforcement: In accordance with subsection 552a(k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for civil law enforcement purposes is exempt from subsections (c)(3), (d)(1), (2), (3), and (4), and (e)(1) and (4)(G), (H), and (I) and (f) of 5 U.S.C. 552a.

EEOICP—DOL Ombudsman for the Energy Employees Occupational Illness Compensation Program Systems of Records

DOL/OMBUDSMAN–1

SYSTEM NAME:

Office of the Ombudsman for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) File.

SECURITY CLASSIFICATION:

Most files and data are unclassified. Files and data in certain cases may have Top Secret classification and the rules concerning their maintenance and disclosure are determined by the agency that has given the information the security classification of Top Secret.

SYSTEM LOCATION:

U.S. Department of Labor, Office of the Ombudsman for the Energy Employees Occupational Illness Compensation Program Act, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or their survivors who are seeking benefits under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). These individuals include, but are not limited to, employees or survivors of employees of Department of Energy contractors and subcontractors, and certain uranium workers or survivors of those workers as described under Section 5 of the Radiation Employees Compensation Act (RECA).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system may contain the following kinds of records: Correspondence between the Office of the Ombudsman and claimants, potential claimants, and/or survivors of such individuals or correspondence between the Office of the Ombudsman and the program agency regarding those individuals' EEOICPA claims; logs recording and detailing communications between claimants, potential claimants, and/or survivors of such individuals and the Office of the Ombudsman; claim forms filed by or on behalf of injured individuals or their survivors seeking benefits under the EEOICPA; reports by the employee and/or the United States Department of Energy; employment records; exposure records; safety records or other incident reports; dose reconstruction records; workers' or family members' contemporaneous diaries, journals, or other notes; forms authorizing medical care and treatment; other medical records and reports; bills and other payment records; compensation payment records; formal orders for or against the payment of benefits; transcripts of hearings conducted; and any other medical, employment, or personal information submitted or gathered in connection with the claim or complaint.

The system may also contain information relating to dates of birth, marriage, divorce, and death; notes (written or typed in email or other correspondence) of telephone conversations conducted in connection with the claim or complaint; information relating to vocational and/or medical rehabilitation plans and progress reports; records relating to court proceedings, insurance, banking and employment; articles from newspapers and other publications; information relating to other benefits (financial and otherwise) that the employee and/or survivor may be entitled to, including previously filed claims; and information received from various investigative agencies concerning possible violations of civil or criminal laws.

The system may also contain consumer credit reports on individuals indebted to the United States including information relating to the debtor's assets, liabilities, income and expenses, personal financial statements, correspondence to and from the debtor, and information relating to the location of the debtor. In addition, the system may contain other records and reports relating to the implementation of the Federal Claims Collection Act (as amended), including investigative reports or administrative review matters. Individual records listed here are included in a claim file only insofar as they may be pertinent or applicable to the individual claiming benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Energy Employees Occupational Illness Compensation Program Act of 2000, Title XXXVI of Public Law 106–398, as amended by Public Law 108–375, 3161 (October 28, 2004), 42 U.S.C. 7385s–15.

PURPOSE(S):

To fulfill the duties of the Ombudsman under the EEOICPA as specified by Congress. The EEOICPA establishes a program for compensating certain individuals for covered illnesses related to exposure to toxic substances. These records are necessary to provide information to the public regarding the benefits available under the EEOICPA and the procedures attendant to those benefits, as well as to prepare the Congressionally-mandated Report to Congress detailing the complaints and concerns received in the Office of the Ombudsman concerning that program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to the universal routine uses listed in the General Prefatory Statement to this document, the Ombudsman may disclose relevant and necessary information to the Department of Labor's Office of Workers' Compensation Program (OWCP); the Department of Health and Human Services' National Institute for Occupational Safety and Health (NIOSH); and/or the Department of Energy's Office of Health and Safety in order for the Ombudsman to respond to inquiries made by claimants, potential claimants, and/or survivors of such individuals regarding those individuals' EEOICPA claims, to the extent necessary to identify the individual and inform the source of the purpose(s) of the request.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status and history of overdue debts; the name and address, taxpayer identification (SSN), and other information necessary to establish the identity of a debtor; and the agency and program under which the claim arose may be disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

By name, employer, contractor, date, or nature of injury.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

All case files and automated data pertaining to a claim are destroyed 15 years after the case file has become inactive. Paper records that have been scanned to create electronic records are destroyed after the electronic records are verified. Automated data is retained in its most current form only, and as information is updated, outdated information is deleted. Electronic records are destroyed six years and three months after creation or receipt.

SYSTEM MANAGER(S) AND ADDRESS:

Ombudsman, Energy Employees Occupational Illness Compensation Program Act, 200 Constitution Avenue NW., Suite N–2454, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them may write or telephone the Office of the Ombudsman. In order for the record to be located, the individual must provide his or her full name, claim number (if known), and date of injury (if known).

RECORD ACCESS PROCEDURES:

Any individual seeking access to non-exempt information about a claim in which he/she is a party in interest may write or telephone the Office of the Ombudsman.

CONTESTING RECORD PROCEDURES:

Any individual requesting amendment of non-exempt records should contact the Office of the Ombudsman. Individuals requesting amendment of records must comply with the Department's Privacy Act regulations at 29 CFR 71.1 and 71.9.

RECORD SOURCE CATEGORIES:

Claimants who are the subject of the record and their family members; employers; current and former Federal contractors and subcontractors and their family members; State governments, State agencies, and other Federal agencies; State and Federal workers' compensation offices; physicians and other medical professionals; hospitals; clinics; medical laboratories; suppliers of health care products and services and their agents and representatives; educational institutions; attorneys; Members of Congress; EEOICPA investigations; consumer credit reports; investigative reports; correspondence with the debtor including personal financial statements; records relating to hearings on the debt; and other Department systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigative material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

ETA—DOL Employment and Training Administration Systems of Records

DOL/ETA–1

SYSTEM NAME:

Office of Apprenticeship, Budget and Position Control File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Employment and Training Administration (ETA), Office of Apprenticeship, Room N–5311, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees currently employed by OA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal records concerning grades and salaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEMS:

5 U.S.C. 301.

PURPOSE(S):

For ready access in preparing management reports as required by ETA, and controlling OA FTE Ceiling (Full Time Equivalent) employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or paper.

RETRIEVABILITY:

Files are retrieved by region, budget position number, and name of employee.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained indefinitely for employment reference requests on former employees.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Apprenticeship, Room N–5311, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue NW., Washington DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from personal records, including SF-Form 50.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA–4

SYSTEM NAME:

Registered Apprenticeship Partners Information Data System (RAPIDS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Employment and Training Administration (ETA), Office of Apprenticeship, Room N–5311, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Apprentices/Trainees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records include the following identifying information on apprentices/trainees: Social Security number, program number, State Code, O*NET/RAPIDS Occupation Code, Job Title, name, birth date, sex, ethnic code, Veteran code, registration date, previous experience date, and expected completion date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The National Apprenticeship Act, also referred to as the Fitzgerald Act, 29 U.S.C. 50.

PURPOSE(S):

Records of individual apprentice/trainee and apprenticeship/trainee program sponsors are used for the operation and management of the apprenticeship system of training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Statistical records may be disclosed to Joint Apprenticeship Committees and Nonjoint Apprenticeship Committees, and other apprenticeship sponsors to determine an assessment of skill needs and provide program information; to provide program information for State Apprenticeship Agencies (SAAs) and other State/Federal agencies concerned with apprenticeship/training needs; to research and community organizations such as the Urban League to utilize apprenticeship information in research.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by the social security number of the apprentice/trainee by program type. However, data files are provided to researchers that have been cleaned of PII.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Paper files retain for five years and then destroy. Inactive programs are stored indefinitely using routine IT protocols. Inactive and completed apprentices are stored indefinitely using routine IT protocols.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Apprenticeship, Room N–5311, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Apprentice/trainee and also Program Sponsor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA–7

SYSTEM NAME:

Foreign Labor Certification System and Employer Application Case Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Employment and Training Administration (ETA), Office of Foreign Labor Certifications, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210; National Processing Centers in Atlanta, Georgia; Chicago, Illinois; and National Prevailing Wage Center in Washington, DC, and contractor offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employers who file labor certification applications, or labor condition applications for permanent or temporary employment of foreign workers; employers who file requests for prevailing wage determinations that may support an application for temporary and permanent labor certification; agents and foreign labor recruiters whom employers may engage in the recruitment of prospective H–2B workers with regard to labor certification applications filed in the H–2B temporary employment program and all persons or entities hired by or working for such recruiters or agents and any agents or employees of those persons or entities. The foreign worker is identified on Applications for Permanent Employment Certification, they are not identified nor listed on Applications for Temporary Employment Certification, Prevailing Wage Determination, nor Labor Condition Applications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employers' names, addresses, type and size of businesses to include annual gross revenue and proof of insurance coverage, production data, number of workers needed in certain cases, offer of employment terms to known or unknown aliens, and background and qualifications of certain aliens, along with resumes and applications of U.S. workers, employer provided source wage documents and surveys, names of agents and recruiters whom employers may engage in the recruitment of prospective H–2B workers, as well as the identity and location of all persons or entities hired by or working for such recruiters or agents, and any of the agents or employees of those persons and entities, engaged in recruitment of prospective workers for the H–2B job opportunities offered by the employer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(15)(H)(i), and (ii), 1184(c), 1182(m) and (n), 1182(a)(5)(a), 1188, and 1288. Section 122 of Public Law 101–649. 8 CFR 214.2(h). 20 CFR 655 Subpart A. 20 CFR 655.9.

PURPOSE(S):

To maintain a record of applicants and actions taken by ETA on requests to employ foreign workers and requests for prevailing wage determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Case files developed in processing labor certification applications, labor condition applications, and prevailing wage determination, are released to the employers which filed such applications and their representatives; to review ETA actions in connection with appeals of denials or other wage-related final determinations before the Office of Administrative Law Judges (OALJ) or Federal Courts; to participating agencies such as the DOL Office of Inspector General, DOL Wage and Hour Division, Department of Homeland Security, United States Citizenship and Immigration Services, and Department of State in connection with administering and enforcing related immigration laws and regulations. Records may also be released to named alien beneficiaries or their representatives, and third party requests under the under the Freedom of Information Act.

2. The Department will maintain a publicly available list of agents and recruiters whom employers have reported to the Department that they engage or plan to engage in the recruitment of prospective H–2B workers, as well as the identity and

location of all persons or entities hired by or working for such recruiters or agents, and any of the agents or employees of those persons and entities, including the locations in which these entities operate as they engage in recruitment of prospective workers for H–2B job opportunities offered by the employer. This list will be maintained online, and will be used for the same purposes as stated in #1 above and may also be used by the public, including current or prospective H–2B workers or their representatives, to assist in the effective use of the H–2B temporary labor certification program.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by case number and employer name and in limited instances by the named beneficiary. In the case of labor certification applications in the H–2B program, files may be retrieved by name, including the name of the employer, agent, recruiter, or other entity involved in the recruitment of prospective H–2B workers as provided to the Department by the employer; and by country where recruitment activity may occur.

SAFEGUARDS:

Access by authorized personnel. Computer security safeguards are used for electronically stored data and scanned images; and paper files are maintained in secured locations.

RETENTION AND DISPOSAL:

FLC Case Files are retained for a period of 5 years after close in accordance with Records Schedule Number DAA–0369–2013–0002. Paper files are retained on-site at national processing centers for six months from the date of final determination. OFLC will continuously scan or convert paper records into OFLC Archive and Scan database(s). Paper copies of employer applications that are scanned will be destroyed once converted to an electronic medium and verified, or when no longer needed for legal or audit purposes in accordance with the records schedule. Paper copies of case files that are not scanned are retained on-site for six months after close, then transferred to Federal Records Center for duration of 5 year retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Foreign Labor Certifications, ETA, 200 Constitution Avenue NW., Room C–4312, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from labor certification applications, labor condition applications, and prevailing wage determination requests completed by employers. Certain information is furnished by named alien beneficiaries of permanent labor certification applications, State Workforce Agencies, and the resumes and applications of U.S. workers. Additional information is obtained from employer provided surveys.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA–8

SYSTEM NAME:

Job Corps Student Pay, Allotment and Management Information System (SPAMIS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Job Corps Data Center (JCDC), 1627 Woodland Avenue, Austin, Texas 78741 (and Job Corps Centers).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Job Corps students and Job Corps terminees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information about the student: Pre-enrollment status, number of months enrolled in school, home address, family status and income; characteristics, such as age, race/ethnic group, sex; summarization of basic education and vocational training received in Job Corps; and initial Placement status (entry into employment, school, military service, or other status) after separation from the Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Subtitle C of Title I of the Workforce Investment Act of 1998, 29 U.S.C. 2882 *et seq.;* Subtitle C of Title I of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3191 *et seq.*

PURPOSE(S):

These records are maintained to pay students and track student academic and vocational outcomes and achievements. This information is used for reporting center/contractor performance that includes enrollment information, performance outcomes while enrolled and placement information after separation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used when relevant, necessary and appropriate:

a. To disclose photographs and student identities to the news media for the purpose of promoting the merits of the program.

b. To disclose information of a student's academic and vocational achievement and general biographical information, to placement and welfare agencies, respective employers, school or training institutions to assist in the employment of a student.

Categories of users:

a. Job Corps Center staff and operators/contractors;

b. Outreach, Admissions and Placement staff and contractors;

c. Support Contractors;

d. Federal staff at the regional and national levels.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by social Security number or name and center enrolled.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for at least three (3) but no more than four (4) years after termination. After this, the records are retired to the Regional Federal Records

Center where they are kept 75 years in accordance with Records Schedule NC–369–76–2.

SYSTEM MANAGER(S) AND ADDRESS:

National Director, Office of Job Corps U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Job Corps students, Outreach, Admissions and Placement Contractors; Support Contractors, and Job Corps Centers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA–16

SYSTEM NAME:

Employment and Training Administration Investigatory File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Employment and Training Administration, OMAS/OGM, Division of Policy, Review and Resolution, Frances Perkins Building, 200 Constitution Ave. NW., Washington, DC 20210, and each of the Employment and Training Administration Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants, contractors, subcontractors, grantees, members of the general public, ETA employees, who are alleged violators of ETA, and federal laws and regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of alleged and confirmed problems, abuses or deficiencies relative to the administration of programs and operations of the agency, and of possible violations of Federal law whether civil or criminal; reports on resolution of criminal or conduct violations, and information relating to investigations and possible violations of ETA administered programs and projects; incident reports, hotline complaints, and investigative memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Workforce Investment Act, 29 U.S.C. 2801 *et seq.;* Workforce Innovation and Opportunity Act, 29 U.S.C. 3101 *et seq.*

PURPOSE(S):

To ensure that all appropriate records of problems, abuses or deficiencies relative to the administration of programs and operations of the agency are retained and are available to agency, Departmental, or other Federal officials having a need for the information to support actions taken based on the records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records and information in this system that are relevant and necessary may be used to disclose pertinent information to states, Workforce Development Boards, and other DOL-funded grantees as necessary to enforce ETA rules and regulations; and other uses noted in the prefatory statement.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by OIG case number along with case name and subject in excel spreadsheet in OGM S (shared drive).

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Non-investigatory records are retained for 5 years after the case is closed. Records containing information or allegations that do result in a specific investigation are placed in an inactive file when the case is closed and destroyed, by shredding, after 10 years.

SYSTEM MANAGER(S) NAME AND ADDRESS(ES):

Administrator, Office of Financial and Administrative Management, 200 Constitution Ave. NW., Washington, DC 20210; and each Regional Administrator or Associate Regional Administrator of the ETA in the regional offices.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals, program sponsors, contractors, grantees, complainants, witnesses, Office of the Inspector General and other Federal, State and local government records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/ETA–20

SYSTEM NAME:

Federal Bonding Program, Bondee Certification Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any at-risk job applicant is eligible for bonding services, including: Ex-offender, recovering substance abusers (alcohol or drugs), welfare recipients and other persons having poor financial credit, economically disadvantaged youth and adults who lack a work history, individuals dishonorably discharged from the military, and anyone who cannot secure employment without bonding, and State Employment Service applicants who are eligible.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal (name, SSN, employer name), employment data (DOT and SIC codes), employer data (address, city, State, ZIP code), amount of bond (expressed in $500 units), cost of bond (expressed in units), effective date of bond, and termination date of bond.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Workforce Investment Act of 1998 (WIA) (29 U.S.C. 2801 *et seq.*); Workforce Innovation and Opportunity Act (WIOA) (29 U.S.C. 3101 *et seq.*).

PURPOSE(S):

The purpose of these records is to provide information to the DOL project officer on the activities of the contracted project—the Federal Bonding Program. These records are used solely for statistical information and not used in any way for making any determination about an identifiable individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or paper.

RETRIEVABILITY:

Files retrieved by assigned bond number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

States and regions dispose of data 3 years and older; The Punch Card Processing Co. keeps master DOS of all bondees prior to 1980.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Workforce Investment, Frances Perkins Building, 200 Constitution Ave. NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from State Job Service files, applicants for the bond and bonded employee's employer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA–24

SYSTEM NAME:

Grant Officer Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Employment and Training Administration, Office of Office of Management and Administrative Services, Office of Grants Management, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former grant officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, job title and grade, qualifications, training and experience, request for appointment as Grant Officer, Certification of Appointment, copy of Certificate of Appointment, and other correspondence and documents relating to the individual's qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 486; Department of Labor Acquisition Regulations 2901.6; Department of Labor Manual Series 2–800.

PURPOSE(S):

To ascertain an individual's qualifications to be appointed as a grant officer; to determine if limitations on procurement authority are appropriate; to complete Certificate of Appointment.

ROUTINE USES OF RECORD MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES AND USERS AND THE PURPOSES OF SUCH USES:

Disclosure to Office of Government Ethics: A record from a system of records may be disclosed, as a routine use, to the Office of Government Ethics for any purposes consistent with that office's mission, including the compilation of statistical data.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and on paper.

RETRIEVABILITY:

Files are retrieved by Grant Officer name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data.

RETENTION AND DISPOSAL:

Records relating to and reflecting the designation of Grant Officers and terminations of such designations, are retained until destroyed 6 years after termination of appointment in accordance with Records Schedule Number NI–369–00–1.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Workforce System Federal Assistance, U.S. Department of Labor, ETA, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the grant officer's Certification of Appointment and background information on education, SF–171, and specific information on procurement authorities delegated.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA–29

SYSTEM NAMES:

National Agricultural Workers Survey (NAWS) Research File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

The NAWS Sponsor, Employment and Training Administration (ETA), Office of Policy Development and

Research, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–5641, Washington, DC, 20210; the office of the System Manager, currently JBS International, Inc., Aguirre Division (JBS), 555 Airport Blvd., Suite 400, Burlingame, CA 94010; and in two locations of the NAWS Co-Sponsor, the National Institute for Occupational Safety and Health (NIOSH): (1) The Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH, 4676 Columbia Drive, Cincinnati, Ohio 45226; and (2) The Division of Safety Research, NIOSH, 1095 Willowdale Road,—mail stop 180–p, Morgantown, West Virginia 26505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NAWS respondents. These are randomly selected individuals who are engaged in crop and nursery activities. Between 1,500 and 4,000 individuals will be included in the file each year.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will contain records of the employment and migration history of crop workers and their families. It will also contain information about the wages, working conditions and recruitment procedures, and the health and occupational injury experience of crop workers. The records stored at JBS International, and only at JBS international, will also contain the names, and addresses of the respondents in the NAWS. All of this data will have been obtained in a personal interview with the respondents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To gather and analyze data on the demographic, employment, and health characteristics of hired crop and nursery farm workers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document with the following limitations: The Routine Uses listed at paragraphs 3, 4, 7, 8, 9, and 11 in the General Prefatory Statement to this document are not applicable to this system of records. The records also may be disclosed where required by law.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of individual making request.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Files are retained for four years after the collection of the data.

SYSTEM MANAGER(S) AND ADDRESSES:

The NAWS Sponsor, Employment and Training Administration, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; the System Manager, currently JBS, 555 Airport Blvd., Suite 400, Burlingame, CA 94010; and the NAWS Co-Sponsor, the National Institute for Occupational Safety and Health (NIOSH): (1) The Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH, 4676 Columbia Drive, Cincinnati, Ohio 45226, and (2) The Division of Safety Research, NIOSH, 1095 Willowdale Road,—mail stop 180–p, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the appropriate System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the appropriate System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the appropriate System Manager.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the NAWS respondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.

DOL/ETA–30

SYSTEM NAMES:

DOL Employment and Training Administration (ETA) Evaluation, Research, Pilot or Demonstration Contractors' Project Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Individual contractors' and subcontractors' project worksites Department Offices in Washington DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in programs of the Workforce Investment Act (WIA) and Workforce Innovation and Opportunity Act (WIOA), Job Corps, Trade Adjustment Assistance, Registered Apprenticeship, and employers or employees covered under a State unemployment compensation law; or other research, pilot or demonstration projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system(s) may include personally identifiable information, characteristics of program participants, description of program activities, services received by participants, program outcomes and participant follow-up information; or Claimant (Employee) records, Employer contribution records, and Employee wage records obtained after the completion of the program for the purposes of the research/evaluation project(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Workforce Investment Act of 1998, Secs. 156, 171, and 172; Workforce Innovation and Opportunity Act, Secs. 156 and 169; Social Security Act, Secs. 441 and 908. (29 U.S.C. 1731–1735; 29 U.S.C. 2856, 2916, and 2917; and 42 U.S.C. 841 and 1108; respectively; and Social Security Act, Sections 303(a)(l), 303(a)(6), and 906, (42 U.S.C. 503(a)(l), 503(a)(6), 902, ll06); 5 U.S.C. 8506(b).

PURPOSE(S):

The purpose of this system is to provide necessary information for statutorily-required and other evaluations of ETA programs, evaluations of ETA-sponsored pilot and demonstration programs, and other statistical and research studies of employment and training program and policy issues. These records are used solely for statistical research or evaluation and are not used in any way for making any determination about an identifiable individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Contractors or grantees of particular projects may disclose records without personal identifiable information to other Federal, State and local government agencies in order to facilitate the collection of additional data necessary for statistical and evaluation purposes.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically.

RETRIEVABILITY:

Files are retrieved by name or social security number, and by a variety of other unique identifiers that have been created for a specific study.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data.

RETENTION AND DISPOSAL:

Records are retained by the contractors for one to five years, then the identifiers are destroyed. After the conclusion of the studies the records are retired to the Federal Records Center and are destroyed after being retained by the Records Center for 20 years.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Policy and Research, Employment and Training Administration, Frances Perkins Building, 200 Constitution Ave. NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual participants, and Federal, State, and local Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA–31

SYSTEM NAMES:

The Enterprise Business Support System (EBSS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Departmental of Labor, 200 Constitution Avenue, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Workforce Investment Act Standardized Record Data (WIASRD)—a system which manages file submissions and serves as a repository for annually submitted files of individual records on all participants who exit the Workforce Investment Act (WIA) programs.

b. WIOA Participant Individual Record Layout (PIRL)—a system which manages file submissions and serves as a repository for annually submitted files of individual records on all participants who exit the Workforce Innovation and Opportunity Act (WIOA) programs.

c. Registered Apprenticeship Partners Information Data Systems (RAPIDS)—is a web-based apprenticeship training program management and reporting system. It is composed of two major components: The RAPIDS system and the E-Registration. The RAPIDS system allows RAPIDS users (Apprenticeship Training Employer and Labor Services management, regional and state directors and Apprenticeship Training Representatives) to register, process, manage, and report apprenticeship programs and apprentices registered in these programs. E-Registration allows apprenticeship sponsors to register and manage apprentices in programs they sponsor.

d. Common Reporting Interchange System (CRIS)—CRIS uses state and Federal Employment Data Exchange System (FEDES) and Wage Record Interchange System (WRIS) in generating reports. CRIS provides common performance measures for the grant programs, which do not have the ability to collect the common measure outcomes *i.e.* Entered Employment Rate, Retention Rate, and Average Earnings etc. on their own.

e. The Reintegration of Ex-Offenders—Adult Program (RExO), formerly known as the Prisoner Reentry Initiative (PRI), is designed to strengthen urban communities through an employment-centered program that incorporates mentoring, job training, and other comprehensive transitional services. Participants enrolled in RExO—Adult grants and the affiliated random assignment evaluation.

f. Youth Build—a case management and grantee performance reporting system. The system collects participant level data and manages the program lifecycle at the participant level. The system also provides grantees with quarterly reporting capability and tools to manage sub-grantees.

g. Enhanced Transitional Jobs Demonstration (ETJD)—These evaluations will inform the Federal government about the effectiveness of subsidized and transitional employment programs in helping vulnerable populations secure unsubsidized jobs in the labor market and achieve self-sufficiency.

h. Senior Community Service Employment Program (SCSEP) Performance and Results Quarterly Performance Results (QPR) System (SPARQ)—Participants in the SCSEP funded under the Older Americans Act Amendments of 2006 (OAA Amendments), Public Law 109–365.

i. Indian and Native American Program (INAP)—Participants who have exited from the Workforce Investment Act (WIA), Section 166 program and the Workforce Innovation and Opportunity Act, Section 166 programs.

j. Bene-Choice (formerly Youth Offenders)—a case management and grantee performance reporting system. The system collects participant level data and manages the program lifecycle at the participant level. The system also provides grantees with quarterly reporting capability and tools to manage sub-grantees.

k. Trade Act Participant Records (TAPR)—an application which collects and maintains program performance and participant outcomes for TAA and NAFTA Transitional Adjustment Assistance (NAFTA–TAA) programs.

l. High Growth and Community Based Job Training and Performance Reporting (HGJTP)—a web-enabled application that collects performance results from High Growth and Community Based grant programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

WISARD: This system contains initial requests under the Workforce Investment Act, responses, and related documents.

WIOA (PIRL): This system contains WIOA participant personally identifiable information such as social security numbers and birthdates.

RAPIDS: Include the following identifying information on apprentices/trainees: Social Security number, ATR Code, program number, State Code, DOT Code, Job Title, name, birth date, sex, ethnic code, race code, Veteran code, accession date, previous experience date, expected completion date, exit wage, and apprenticeship school link.

CRIS: This system contains initial requests under the Workforce Investment Act and Workforce Innovation and Opportunity Act, responses, and related documents.

RExO: This system contains participant contact and demographic data, as well as services provided and performance outcomes obtained.

YOUTH BUILD: This system contains participant contact and demographic data, as well as services provided and performance outcomes obtained.

ETJD: This system contains participant contact and demographic data, as well as services provided and performance outcomes obtained.

SCSEP: Records in the system include personal characteristics of each SCSEP participant; the description of training, community service assignments, and unsubsidized employment placements the participants received; wages and supportive services received; and program outcome and participant follow-up information obtained after completion of the program.

INAP: Records in the system include (scrambled) Social Security number and various characteristics of each participant, the description of program activities and services they received, and program outcome and participant follow-up information obtained after completion of the program.

BeneChoice (formerly Youth Offenders): Case managers enter the data provided by the participants.

TAPR: Standardized set of data elements, definitions, and specifications that describe the characteristics, activities, and outcomes of TAA participants.

HGJTP: Electronic file of individual records on all participants who exit from the program during the reporting quarter. These individual records follow a comma-delimited format and contain the minimal amount of information needed in order for ETA to collect employment-related outcomes data using wage records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Workforce Investment Act of 1998, Public Law 105–220, 29 U.S.C. 2871, Section 136; Workforce Innovation and Opportunity Act, Public Law 113–128, Section 116, 29 U.S.C. 3141.

PURPOSE(S):

This system of records is maintained to:

a. Generate statistical reports that will present detailed information on the characteristics of program participants, program activities, and outcomes.

b. Provide information for evaluation purposes.

c. Provide a suitable national database to enable the Department to provide technical guidance to local programs in establishing performance goals for their service providers.

d. Provide grantees with a case management system to record individual participant outcomes.

e. Provide access to real-time data to grantees for data tracking and program improvement.

f. Provide access to real-time data to Federal office staff in response to requests for information from Congress, GAO, OMB and other sources, as requested.

g. Provide access to necessary demographic and outcome information necessary for the affiliated random assignment evaluation of the programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, and information in these records, may be used to:

a. Report performance outcomes on individual grants and aggregated grant performance.

b. Share performance information to the workforce system via the Quarterly Workforce System Results.

c. Share demographic and service counts as requested by Congress, OCIA, OMB, GAO or other requesters.

d. Track case management and performance by grantees to improve outcomes and meet performance measure goals.

e. Disclose information to researchers and public interest groups those records that are relevant and necessary to evaluate the effectiveness of the overall programs and its various training components in serving different subgroups of the eligible population.

f. Disclose information to Federal, state, and local agencies and community-based organizations to facilitate statistical research, audit, and evaluation activities necessary to ensure the success, integrity, and improvement of the employment and training programs.

g. Disclose information to placement and welfare agencies, prospective employers, school, or training institutions to assist in participant employment.

h. Disclose statistical information to the news media or members of the general public for the purpose of promoting the merits of the programs.

i. Disclose to Native American organizations receiving WIA, section 166 and WIOA, section 166 funding to provide relevant and necessary information to allow for comparative self-analysis of their programs' performance.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically.

RETRIEVABILITY:

Files are retrieved by the grant, recipient's grant number and unique identification assigned to individuals. Records can also be retrieved by social security number but only by individuals that have access to the database and the encryption methodology.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Information Systems and Technology, Employment and Training Administration (ETA).

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Owner.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Owner.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Owner.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the individual requester, official documents, agency officials, and other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Department of Labor has claimed exemptions from several of its other systems of records under 5 U.S.C. 552a(k) (1), (2), (3), (5), and (6). During the course of a PA/FOIA action, exempt materials from those other systems may become part of the case record in this system. To the extent that copies of exempt records from those other systems are entered into these PA/FOIA case records, the Department has claimed the same exemptions for the records as they have in the original primary system of records of which they are a part.

DOL/ETA–32

SYSTEM NAME:

Contract Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Employment and Training Administration, Office of Contracts Management, 200 Constitution Avenue NW., Suite N–4643, Washington, DC 20210, Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former contracting officers, contract specialists, and contracting officer representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, job title, qualifications, training and experience, request for appointment as Contracting Officer, Contracting Officer Representative, Contracting Officer Representative Letter of Appointment, and other correspondence and documents relating to the individual's qualifications therefor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

48 CFR Subpart 4.8; Department of Labor Acquisition Regulations 2901.6; Department of Labor Manual Series 2–800, and Section 830.

PURPOSE(S):

a. To ascertain an individual's qualifications to be appointed as a contracting officer;

b. To determine if limitations on procurement authority are appropriate;

c. To complete Certificate of Appointment;

d. To provide a record of communications between the requester and the agency;

e. To ensure that all relevant, necessary and accurate data are available to support any process for appeal; and

f. To provide a legal document to support any process for appeal.

ROUTINE USES OF RECORD MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES AND USERS AND THE PURPOSES OF SUCH USES:

A. *Disclosure to Office of Government Ethics:* A record from a systems of record may be disclosed, as a routine use, to the Office of Government Ethics for any purposes consistent with that office's mission, including the compilation of statistical data.

B. *Disclosure to a Board of Contract Appeals, GAO or any other entity hearing a contractor's protest or dispute:* A record from a system of record may be disclosed, as a routine use, to the United States General Accountability Office, to a Board of Contract Appeals, or the Claims Court in bid protest cases or contract dispute cases involving procurement.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or paper. Paper records in file folders.

RETRIEVABILITY:

Files are retrieved by Contract Number and Name.

SAFEGUARDS:

Records are maintained in a secured, locked file room, accessible to the authorized personnel having need for the information in the performance of their duties. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for 6 years after termination of appointment in accordance with Records Schedule Number GRS–03–02.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Contract Services, Policy and Administration, U.S. Department of Labor, ETA, 200 Constitution Avenue NW., Suite N–4643, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual requesters, official documents, agency officials, and other federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

MSHA—DOL Mine Safety and Health Administration Systems of Records

DOL/MSHA–1

SYSTEM NAME:

Mine Safety and Health Administration Standardized Information System (MSIS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Mine Safety and Health Administration (MSHA)—Program Evaluation and Information Resources (PEIR), U.S. Department of Labor, Denver, Colorado. Some records in paper form are located at:

MSHA—Educational Development and Policy (EPD), U.S. Department of Labor, Denver, Colorado (Health safety training and examination, qualification and certification records);

MSHA—Coal Mine Safety and Health, U.S. Department of Labor, Arlington, Virginia and district and field offices (Coal respirable dust and other enforcement records);

MSHA—Metal and Nonmetal Mine Safety and Health, U.S. Department of Labor, Arlington, Virginia and district and field offices (Exposure and other enforcement records; Radon daughter exposure records);

MSHA—Office of Assessments, Accountability, Special Enforcement and Investigations, U.S. Department of Labor, Arlington, Virginia (Discrimination investigations and civil/criminal investigations) and Wilkes-Barre, Pennsylvania (Penalty assessments).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

MSHA enforcement personnel who conduct inspection or investigation activities at mines; individuals for whom personal dust samples have been submitted for analysis; individuals with evidence of the development of coal workers' pneumoconiosis (black lung disease) as defined under 30 CFR part 90; individuals who MSHA has certified or qualified to complete certain mining tasks or has approved to provide training; individuals who are indebted to the United States in the form of a civil penalty; individuals with ownership interests in mines and individuals listed as responsible for health and safety at mines; individuals involved in accidents, occupational injuries, or occupational illnesses; individuals for whom mine operators are required to calculate and record radon daughter exposure in each calendar year; individuals who have been allegedly discriminated against in violation of the Federal Mine Safety and Health Act of 1977, as amended (Mine Act); individuals who are alleged to have knowingly or willfully committed violations of the Mine Act; and individuals who are criminally prosecuted or who are assessed a monetary civil penalty for violations of the Mine Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records for the mine identification number and legal identity report contain information which includes: Mine (including mill) name, company name, ownership information, Taxpayer Identification Number (TIN), mine location, operating status, and individuals listed as responsible for health and safety at mines. Records for mine inspection personnel time and activity, inspections, citations and orders issued to operators; sampling data on personal exposure of non-identified miners and MSHA personnel to radiation, dust, noise, and other contaminants; and comprehensive health surveys at mines.

Since 2008, MSHA requires certain individuals to submit their Taxpayer Identification Numbers (which includes Social Security Numbers), to receive their unique MSHA Individual Identification Numbers (MIIN). The MIIN is substituted for the Social Security Number (SSN), eliminating the need for miners and other individuals to provide their SSNs on certain documents submitted to MSHA.

Coal Respirable Dust records contain information such as the mine and company name, mine identification number, designated areas in the mine and designated occupations where samples were taken, occupations and SSNs of individuals sampled (before 1981) and of 30 CFR part 90 miners (after 1980), date sampled, concentration of respirable dust measured in the miners' work environment, tons of material produced during sampling shift, sampling time, and SSN of the certified person taking the sample. Since 2008, MIINs replaced SSNs for identifying Part 90 miners sampled and the certified person taking the samples. Consequently, SSNs are no longer collected on sample records.

Qualification and Certification records contain mine identification number, MSHA identification number, training course codes, instructor's name and SSN, date of training, name and SSN of persons who have taken training and examinations to become qualified or certified for certain mine tasks or approved instructors, and the results of any monitoring of an instructor. Since 2008, MIINs replaced SSNs for persons trained and for the instructors of the courses. Consequently, SSNs are no longer collected in Qualification and Certification records.

Penalty Assessment records contain proposed civil penalty assessments, civil penalty payment information, bankruptcy information, delinquent debt referrals to Treasury for collection, and civil penalty final orders of the Federal Mine Safety and Health Review Commission on individuals.

Accident, injury, and occupational illness records include the mine name and identification number; date, time, and place of occurrence; type and description of accident; and name and partial SSN for the individual injured or reporting an occupational illness. For 1978 and subsequent years, only the last four digits of the SSN are collected.

Radon Daughter Exposure records contain the mine identification number, mine name, section, township, range, county, and state of mine location, operator, time period, miner's name, current year's radon daughter exposure, and cumulative radon daughter exposure in working level months (WLM). Prior to 2008, SSNs were collected for miners exposed to radon daughters; MSHA no longer collects SSNs. A "Miner's Identification Number" is now used for these records.

Discrimination investigation records include the name, address, telephone number, social security number, occupation, place of employment, other identifying data, and allegation information from complainants, mine operators, miners, and other individuals. This material includes interview statements and other data gathered by the investigator.

Civil and criminal investigation records include the name, address, telephone number, social security number, occupation, place of employment, and other identifying data concerning individuals who are the focus of civil or criminal investigations along with allegation information from miners, mine operators, and other individuals. This material includes interview statements and other information gathered by the investigator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 557a, 668; 30 U.S.C. 811, 813, 814 (Coal and Metal and Nonmetal Enforcement records including health records); 30 U.S.C. 813(a), 842 (Coal Respirable Dust records); 30 U.S.C. 825, 877(i), 952 (Qualification and Certification records); 31 U.S.C. 3701, 3711–12, 3716–19, 3720A–E, 7701 (MIIN and Legal identity records); 30 U.S.C. 815 and 820 (Penalty Assessments records); 30 U.S.C. 811 (Radon Daughter Exposure); 30 U.S.C. 815(c) (Discrimination investigation records); 30 U.S.C. 820 (Civil and criminal investigation records).

PURPOSE(S):

Records in MSIS are used by authorized personnel to:

a. Maintain information on individuals with ownership interests in mines and individuals listed as responsible for health and safety at mines;

b. maintain information on mine inspection personnel time and activity, inspections, citations and orders (to include terminating conditions or practices) issued to operators to determine workload, work scheduling, and performance;

c. maintain sampling data on exposure levels of individuals and MSHA personnel to radiation, dust, noise and other contaminants, and comprehensive health surveys at mines to determine compliance with standards;

d. maintain records of training and examination of individuals, who have taken MSHA-approved training courses to attain certain skills;

e. issue qualification or certification cards to individuals who MSHA has certified or qualified to complete certain mining tasks or has approved to provide training;

f. monitor approved instructors;

g. provide information on individuals who are indebted to MSHA for the purpose of assessing penalties and take appropriate actions to collect or otherwise resolve the debts;

h. provide MSHA with timely statistical information for making decisions on improving safety and health programs, improving education and training efforts, and establishing priorities in technical assistance activities in the mining industry in order to reduce accidents and occupational injuries and illnesses;

i. determine probable cause of accidents, injuries, and illnesses;

j. determine validity and gravity of discrimination allegations, the amount of any civil penalty assessment, and the nature of other appropriate remedies; and

k. determine validity and gravity of allegations under Mine Act §§ 110(c)–(h), the amount of any civil penalty assessment, and the propriety of referrals for possible criminal prosecution.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those routine universal uses listed in the General Prefatory Statement to this document, disclosure of information from this system of records may be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is compatible with the purpose for which the information was collected:

a. Disclosures of inspection and investigation and accident, injury, and occupational illness information may be made: (1) To the U.S. Department of Health and Human Service, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health (NIOSH) and the Environmental Protection Agency to determine radiation, dust, noise and other contaminant exposure levels; (2) to NIOSH for research on mine safety and health; (3) to appropriate Federal, State, local or foreign agencies for research purposes, for enforcing or implementing a statute, rule, regulation, order or license and to determine contaminant exposure levels; (4) to mine operators to determine contaminant exposure levels and to furnish accident, injury, and occupational illness as the information relates to their mines; (5) to labor, industry, and academic organizations to monitor dust concentration and compliance trends; and (6) to individuals requesting information on sampling data for contaminant exposure levels and comprehensive health surveys at mines.

b. Disclosures of Qualification and Certification records may be made: (1) To mine operators and labor organizations requesting information to verify that MSHA has certified or qualified individuals to perform certain mining tasks or approved to provide training; (2) to appropriate Federal, State, local or foreign agencies for enforcing or implementing a statute, rule, regulation, order or license; and (3) to individuals requesting information on their certifications or qualifications to perform certain mining tasks or their approval to provide training.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The Department of Treasury discloses delinquent debtor information that MSHA transmits to them to credit bureaus.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically, on paper, or both.

RETRIEVABILITY:

The Coal and Metal and Nonmetal records are indexed and retrieved by mine identification number for the operator and certain mine officials; and by authorized representative or right of entry number, the MSHA organization office code, inspection event number, and citation number for MSHA enforcement personnel.

The Coal Respirable Dust records are indexed and retrieved by mine identification number and MIIN for all 30 CFR part 90 miners. Historical records are indexed and retrieved by mine identification number and SSN.

The Qualification and Certification records are indexed and retrieved by name, MIIN, MSIS document number, mine identification number and MSHA identification number. Microfilm records are retrieved on basis of cycle number, mine identification number, date, and course examination.

For MIINs, MSHA indexes records by the name and taxpayer identification number (including SSN). These taxpayer identification numbers (includes SSNs) are not accessible to the public in a secure internal location that is not viewable by the public or the MSIS user community.

The Penalty Assessment records are indexed and retrieved by mine identification number, TIN (including SSN), name, or MSHA assessment case number.

Accident, injury, and occupational illness records are indexed and retrieved by mine identification number, MSHA identification number, date of accident, date of birth, last name and last four digits of SSN for the individual injured or reporting an occupational illness.

Radon Daughter Exposure records are indexed and retrieved by year and by mine name. For paper records, the records are indexed and retrieved by year, mine name, mine operator, and individual's name.

Discrimination investigation records are indexed and retrieved by case number, complainant's name, company name, mine name, or mine identification number.

Civil and criminal investigation records are indexed and retrieved by case number; individual's name; company name; mine name, or mine identification number.

SAFEGUARDS:

Access is by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

MSIS, which includes data repositories, are updated from source documents generally daily and weekly. The records associated with the decommissioned systems and computer systems reside in MSIS. Paper records generally are included, except for the radon daughter exposure records. Historical, migrated data is retained indefinitely on disk within MSIS and on magnetic tape.

Inspection reports and related documents included in the Coal and Metal and Nonmetal Enforcement records are permanent records and are retired to National Archives and Record Administration (NARA) in 10-year blocks; temporary reports are destroyed after 10 years. (NC1–433–81–1, Item 6) Legal identity reports are retained as long as the mine is in operation, once mine closes the reports are sent to NARA and destroyed when 10 years old. (NC1–433–81–1, Item 19) Activity reports for Coal enforcement personnel are transferred to NARA after three years and destroyed when 10 years old. (NC1–433–81–1, Item 23) Activity reports including health surveys at mines for Metal and Nonmetal enforcement personnel are permanent records which are retained for 24 months and then transferred to an historical database for transfer to NARA annually. (NC1–433–85–1, Item 10) Sampling data and results on personal exposure of non-identified miners and MSHA personnel to radiation, dust, noise, and other contaminants at mines are transferred to NARA after three years and destroyed when 10 years old. (NC1–433–81–1, Item 24) Summary monthly and annual mine inspection activity reports that breakdown inspections, violations, notices issued, and orders of withdrawal including results of dust and noise sampling are retained as necessary and then destroyed because they are copies of other source documents. (NC1–433–81–1, Item 29)

Dust data cards and results submitted by MSHA enforcement personnel are transferred to the NARA when three years old and destroyed when 10 years old. (NC1–433–81–1, Item 25) Dust data cards submitted by mine operators are retained for one year and transferred to NARA and destroyed when five years old. (NC1–433–85–1, Item 11)

Qualification and Certification (training) documents are destroyed when three years old and microfilm is destroyed when 50 years old. (NC1–433–81–1, Items 32 and 33) Penalty assessment source documents are retained until cases are closed, retired to NARA for 10 years, and then destroyed. (NC1–433–81–1, Item 12)

MSHA Form 7000–1, Mine Accident, Injury, and Illness Report on paper are source documents and are retained for six years after year of record and then destroyed. Electronic copies of these documents are retained by MSHA permanently. Records in electronic media are transferred to NARA as permanent records immediately after each annual close-out. (NC1–433–85–1, Item 9)

Radon Daughter Exposure records are permanent records and MSHA retains them until all individuals identified in the records become 75 years old or until 10 years after their known death. (30 CFR 57.5040, American National Standard Institute, ANSI N13.8–1073 Paragraph 9.7 and 9.8) Since the beginning of 2014, all paper forms are temporary forms and will be destroyed after converted to electronic format. (NC1–433–85–1, Item 10)

Discrimination investigation records are retained for one year after the case is closed, then are transferred to a Federal Records Center where they are retained until they are 15 years old; they are then destroyed. (N1–433–94–2, Item 1)

Civil and criminal investigation records are retained for one year after the case is closed, then are transferred to a Federal Records Center where they are retained until they are 15 years old; they are then destroyed. (N1–433–94–2, Item No. 1)

SYSTEM MANAGER(S) AND ADDRESS:

Director of Office of Standards, Regulations, and Variances, Arlington, VA.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from MSHA personnel who submit inspection time utilization, violation, sampling, and other enforcement information. In addition, information is received from mine operators including independent contractors concerning contaminant and radon sampling, legal identity, and mine accidents, injuries, and occupational illnesses at their mines. Training and other information for qualifications and certifications are received from individuals, instructors, States, mining industry, and MSHA personnel. Civil penalty and special enforcement information is obtained from MSHA personnel, miners, mine operators, civil penalty assessment and special investigation case files, payment installment plans, bankruptcy case files, Treasury cross-servicing (debt-collection) files, and Treasury offset files. Discrimination investigation information is obtained from individuals alleging discrimination, mine operators, witnesses, and third-party sources. Civil and criminal investigation information is obtained from miners, mine operators, MSHA investigators and personnel, and other individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d)(1), (d)(2), (d)(3), (d)(4); (e)(1); (e)(4)(G) and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence.

The Department of Labor has claimed exemptions from several of its other systems of records under 5 U.S.C. 552a(j)(2) and (c)(3) and (c)(4); (d), (e)(1)–(3); (e)(4)(G), (H), and (I); (e)(5) and (8); (f) and (g). During the course of an investigation, exempt materials from those other systems may become part of the case record in this system. To the extent that copies of exempt records from those other systems are entered into these records, the Department has claimed the same exemptions for the records as they have in the original primary system of records of which they are a part.

DOL/MSHA–22

SYSTEM NAME:

Educational Policy and Development; National Mine Health and Safety Academy Permanent Record Card or Student Information System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Mine Safety and Health Administration (MSHA)—Directorate of Educational Policy and Development, National Mine Health and Safety Academy, U.S. Department of Labor, Beaver, West Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

MSHA personnel and other individuals who receive training through MSHA, including training offered through the National Mine Health and Safety Academy (Academy).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes records of training authorized under sections 502, 503(f), or 505 of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006 (MINER Act). Records include instructor's grade sheets and student transcripts, reflecting courses and grades received. Starting in Fiscal Year 2003, MSHA started to store the records electronically.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 557a; 30 U.S.C. 952, 953(f), 954.

PURPOSE(S):

To maintain records on Mine Safety and Health inspectors and others to assure that proper training is received under the Mine Act. Records are used by individuals, inspectors, and supervisors to track training and grades.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement, disclosures may be made to: (1) Appropriate Federal, State, local agencies when individuals transfer from one agency to another; (2) colleges that accept training received at the Academy for transferable credit hours; or (3) supervisors of individuals who request transcripts on employees to assure that proper training has been received or completed.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored electronically, on paper, or both.

RETRIEVABILITY:

Records are indexed and retrieved by name of the student only.

SAFEGUARDS:

Access is by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Instructor grade sheets are destroyed after 3 years. Academy Permanent Records Cards (Transcripts) and other documentation are retained for 50 years and then destroyed. NC1–433–81–1, Item 33.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Office of Standards, Regulations, and Variances, Arlington, VA.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from Educational Policy and Development, National Mine Health and Safety instructors and individuals who receive training through MSHA.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/MSHA–23

SYSTEM NAME:

Educational Policy and Development Activity Reporting System

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Mine Safety and Health Administration (MSHA) Directorate of Educational Policy and Development; U.S. Department of Labor, Beaver, WV.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Educational Policy and Development (EPD), Education and Training specialists.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system include the mine identification number, mine name, name and MSHA Individual Identification Number (MIIN) of an instructor, and the education and training personnel tracking information such as training specialist's name, types of activities conducted, and time spent on activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 557a.

PURPOSE(S):

Records in this system are used by authorized personnel to: (1) Determine the workload, work scheduling, and performance of EPD personnel; and (2) assist in budgeting and staffing of education and training specialists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored electronically and/or on paper.

RETRIEVABILITY:

Records are indexed and retrieved by mine identification number, EPD employee's name, and district code.

SAFEGUARDS:

Access is by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for 3 years. (NC1–433–81–1, Item 34).

SYSTEM MANAGER(S) AND ADDRESS:

Director of Office of Standards, Regulations, and Variances, Arlington, VA.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from Educational Policy and Development's Education and Training Specialists.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OALJ—DOL Office of Administrative Law Judges Systems of Records

DOL/OALJ–1

SYSTEM NAMES:

Office of Administrative Law Judges Case Tracking System (CTS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Labor, Office of Administrative Law Judges (OALJ), 800 K St. NW., Washington, DC 20001.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants, complainants, respondents, and other party litigants in cases before the OALJ for hearing and decision.

CATEGORY OF RECORDS IN THE SYSTEM:

Records include information and pertinent data gathered from case files and court filings, necessary to hear and decide cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Administrative Procedure Act, 5 U.S.C. 553, 554, 556, 557, 571 *et seq.*; Age Discrimination Act of 1975, 42 U.S.C. 6103; 29 CFR part 34; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*; 29 CFR part 34; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–1; 29 CFR part 31; Clean Air Act, 42 U.S.C. 7622; 29 CFR part 24; Comprehensive Employment and Training Act, 29 U.S.C. 801–999 (Supp. V 1981); 20 CFR part 676 (1990); Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610; 29 CFR part 24; Consumer Product Safety Improvement Act of 2008, 15 U.S.C. 2087; 29 CFR part 1983; Contract Disputes Act, 41 U.S.C. 601 *et seq.*; 41 CFR part 29–60; 48 CFR 2933.203.70; Contract Work Hours and Safety Standards Act, 40 U.S.C. 327 *et seq.*; 29 CFR part 6; Copeland Act, 40 U.S.C. 276c; 29 CFR part 6; Corporate and Criminal Fraud Accountability Act, Title VIII of the Sarbanes Oxley Act, 18 U.S.C. 1514A; 29 CFR part 1980; Davis-Bacon Act, as amended, 40 U.S.C. 276a–276a–7; 29 CFR part 6; Debt Collection Act of 1982, 31 U.S.C. 3711(f); 29 CFR part 20; Dodd-Frank Wall Street Reform and Consumer Protection Act, 12 U.S.C. 5567; 29 CFR part 1985; Title IX of the Education Amendments of 1972, 20 U.S.C. 1682; 29 CFR part 34; Employee Polygraph Protection Act of 1988, 29 U.S.C. 2005; 29 CFR part 801, subpart E; Employee Retirement Income Security Act of 1974, 29 U.S.C. 1132 and 1135; 29 CFR parts 2560 and 2570; Energy

Reorganization Act of 1974, as amended, 42 U.S.C. 5851; 29 CFR part 24; Equal Access to Justice Act, 5 U.S.C. 504; 29 CFR part 16; E.O. No. 11,246, as amended, 3 CFR 339 (1964–1965 Comp.) reprinted in 42 U.S.C. 2000e app.; 41 CFR parts 60–1 and 60–30; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 211(d); 29 CFR part 530, subpart E; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 214(c); 29 CFR part 525; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 216(e); 29 CFR part 580; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 218(C), as added by Affordable Care Act of 2010, P.L. 111–148, 1558; Title IV of the Federal Mine Safety and Health Act of 1977, as amended, 33 U.S.C. 901 *et seq.*; 20 CFR parts 410, 718, 725 and 727; Federal Railroad Safety Act, 49 U.S.C. 20109; 29 CFR part 1982; Federal Unemployment Tax Act, 26 U.S.C. 3303(b)(3), 3304(c); Federal Unemployment Tax Act (addressing agreements under the Trade Act of 1974, as amended), 26 U.S.C. 3302(c)(3); 20 CFR part 617; Federal Water Pollution Control Act, 33 U.S.C. 1367; 29 CFR part 24; FDA Food Safety Modernization Act, 21 U.S.C. 399d; 29 CFR part 1987; Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(15)(H), 1184 and 1186; 29 CFR part 501, subpart C; Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(15)(H), 1182, 1184, 1188, 1288(c); 20 CFR part 655; Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5)(A); 20 CFR part 656; Labor-Management Reporting and Disclosure Act of 1959, 5 U.S.C. 7120; 29 CFR part 458; Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901 *et seq.* (and its extensions—the Defense Base Act, Outer Continental Shelf Lands Act, District of Columbia Workmen's Compensation Act, 36 DC Code 501 *et seq.*, and Non-appropriated Fund Instrumentalities Act); 20 CFR parts 701, 702 and 704; McNamara-O'Hara Service Contract Act, as amended, 41 U.S.C. 351 *et seq.*; 29 CFR part 6; Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1813, 1853; 29 CFR part 500, subpart F; Moving Ahead for Progress in the 21st Century Act, 49 U.S.C. 30171; National Apprenticeship Act, 29 U.S.C. 50; 29 CFR parts 29 and 30; National Transit Systems Security Act of 2007, 6 U.S.C. 1142; 29 CFR part 1982; Pipeline Safety Improvement Act of 2002, 49 U.S.C. 60129; 29 CFR part 1981; Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3803; 29 CFR part 22; Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793; 41 CFR part 60–741, subpart B; 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; 29 CFR part 32; Reorganization Plan No. 14 of 1950; and 29 CFR part 6; Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges, 29 CFR part 18; Safe Drinking Water Act, 42 U.S.C. 300j–9(i); 29 CFR part 24; Single Audit Act of 1984, 31 U.S.C. 7505; OMB Circular Nos. A–128 and A–110; 29 CFR part 96, subpart 96.6; Seaman's Protection Act, 46 U.S.C. 2114; 29 CFR part 1986; Social Security Act, 42 U.S.C. 503; 20 CFR part 601; Solid Waste Disposal Act, 42 U.S.C. 6971; 29 CFR part 24; Surface Transportation Assistance Act, 49 U.S.C. 31105; 29 CFR part 1978; Toxic Substances Control Act, 15 U.S.C. 2622; 29 CFR part 24; Vietnam Era Veterans Readjustment Assistance Act, as amended, 38 U.S.C. 4211, 4212; 41 CFR part 60–250, subpart B; Wagner-Peyser Act, as amended, 29 U.S.C. 49 *et seq.*; 20 CFR part 658; Walsh-Healey Public Contracts Act, as amended, 41 U.S.C. 38; 41 CFR part 50–203; Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. 42121; 29 CFR part 1979; Workforce Innovation and Opportunity Act, 29 U.S.C. 3101 *et seq.*; Workforce Investment Act of 1998, 29 U.S.C. 2801 *et seq.*; 20 CFR parts 652, 660 through 670; 29 CFR part 37; other statutes, executive orders and regulations providing for an ALJ hearing as they may become applicable in the future.

PURPOSE(S):

To maintain the court docket for administrative law judge adjudications. The records and information in the case tracking system are used as the court docket system in administrative law judge hearings conducted pursuant to 5 U.S.C. 552, 553, 554, 556 and 557 and/or a variety of particular statutes and Executive Orders. The purpose of the system is to facilitate the processing of cases and determination of issues in hearings and appeals proceedings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting this agency in further development and continuing maintenance of the system, or hearing-related functions.

Since the proceedings conducted by the Office of Administrative Law Judges are public, court docket records are available for public inspection.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored electronically.

RETRIEVABILITY:

Files are retrievable by case number and other searchable fields such as name of the party.

SAFEGUARDS:

Access is by authorized personnel only. Computer security safeguards are used for electronically stored data Printed extracts are destroyed when the report is no longer needed.

RETENTION AND DISPOSAL:

Records are retained for 50 years, in accordance with Records Schedule Number N1–074–09–02.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Program Operations, U.S. Department of Labor, Office of Administrative Law Judges (OALJ), 800 K St. NW., Washington, DC 20001.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from the Office of Administrative Law Judge case files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT

None.

DOL/OALJ–2

SYSTEM NAME:

Office of Administrative Law Judges Case Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Unassigned case files are maintained by the Chief Administrative Law Judge or a District Chief Administrative Law Judge. Assigned case files are maintained by the Presiding Administrative Law Judge. Files may be located in the National Office, U.S. Department of Labor, Office of

Administrative Law Judges (OALJ), 800 K St. NW., Washington, DC 20001, or in district offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants, complainants, respondents, and other party litigants in cases referred to the OALJ for hearing and decision.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may contain claim files; determinations and referral letters from the agency with initial claim development or investigatory responsibility; documents proffered as evidence; pleadings, motions, and other submissions by litigants; Administrative Law Judge (ALJ) orders, decisions, and orders; hearing transcripts; and other documents and information necessary to hear and decide cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Administrative Procedure Act, 5 U.S.C. 553, 554, 556, 557, 571 *et seq.*; Age Discrimination Act of 1975, 42 U.S.C. 6103; 29 CFR part 34; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*; 29 CFR part 34; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–1; 29 CFR part 31; Clean Air Act, 42 U.S.C. 7622; 29 CFR part 24; Comprehensive Employment and Training Act, 29 U.S.C. 801–999 (Supp. V 1981); 20 CFR part 676 (1990); Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610; 29 CFR part 24; Consumer Product Safety Improvement Act of 2008, 15 U.S.C. 2087; 29 CFR part 1983; Contract Disputes Act, 41 U.S.C. 601 *et seq.*; 41 CFR part 29–60; 48 CFR 2933.203.70; Contract Work Hours and Safety Standards Act, 40 U.S.C. 327 *et seq.*; 29 CFR part 6; Copeland Act, 40 U.S.C. 276c; 29 CFR part 6; Corporate and Criminal Fraud Accountability Act, Title VIII of the Sarbanes Oxley Act, 18 U.S.C. 1514A; 29 CFR part 1980; Davis-Bacon Act, as amended, 40 U.S.C. 276a–276a–7; 29 CFR part 6; Debt Collection Act of 1982, 31 U.S.C. 3711(f); 29 CFR part 20; Dodd-Frank Wall Street Reform and Consumer Protection Act, 12 U.S.C. 5567; 29 CFR part 1985; Title IX of the Education Amendments of 1972, 20 U.S.C. 1682; 29 CFR part 34; Employee Polygraph Protection Act of 1988, 29 U.S.C. 2005; 29 CFR part 801, subpart E; Employee Retirement Income Security Act of 1974, 29 U.S.C. 1132 and 1135; 29 CFR parts 2560 and 2570; Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851; 29 CFR part 24; Equal Access to Justice Act, 5 U.S.C. 504; 29 CFR part 16; E.O. No. 11,246, as amended, 3 CFR 339 (1964–1965 Comp.) reprinted in 42 U.S.C. 2000e app.; 41 CFR parts 60–1 and 60–30; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 211(d); 29 CFR part 530, subpart E; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 214(c); 29 CFR part 525; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 216(e); 29 CFR part 580; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 218(C), as added by Affordable Care Act of 2010, P.L. 111–148, 1558; Title IV of the Federal Mine Safety and Health Act of 1977, as amended, 33 U.S.C. 901 *et seq.*; 20 CFR parts 410, 718, 725 and 727; Federal Railroad Safety Act, 49 U.S.C. 20109; 29 CFR part 1982; Federal Unemployment Tax Act, 26 U.S.C. 3303(b)(3), 3304(c); Federal Unemployment Tax Act (addressing agreements under the Trade Act of 1974, as amended), 26 U.S.C. 3302(c)(3); 20 CFR part 617; Federal Water Pollution Control Act, 33 U.S.C. 1367; 29 CFR part 24; FDA Food Safety Modernization Act, 21 U.S.C. 399d; 29 CFR part 1987; Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(15)(H), 1184 and 1186; 29 CFR part 501, subpart C; Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(15)(H), 1182, 1184, 1188, 1288(c); 20 CFR part 655; Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5)(A); 20 CFR part 656; Labor-Management Reporting and Disclosure Act of 1959, 5 U.S.C. 7120; 29 CFR part 458; Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901 *et seq.* (and its extensions—the Defense Base Act, Outer Continental Shelf Lands Act, District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 *et seq*, and Non-appropriated Fund Instrumentalities Act); 20 CFR parts 701, 702 and 704; McNamara-O'Hara Service Contract Act, as amended, 41 U.S.C. 351 *et seq.*; 29 CFR part 6; Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1813, 1853; 29 CFR part 500, subpart F; National Apprenticeship Act, 29 U.S.C. 50; 29 CFR parts 29 and 30; National Transit Systems Security Act of 2007, 6 U.S.C. 1142; 29 CFR part 1982; Pipeline Safety Improvement Act of 2002, 49 U.S.C. 60129; 29 CFR part 1981; Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3803; 29 CFR part 22; Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793; 41 CFR part 60–741, subpart B; 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; 29 CFR part 32; Reorganization Plan No. 14 of 1950; and 29 CFR part 6; Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges, 29 CFR part 18; Safe Drinking Water Act, 42 U.S.C. 300j–9(i); 29 CFR part 24; Single Audit Act of 1984, 31 U.S.C. 7505; OMB Circular Nos. A–128 and A–110; 29 CFR part 96, subpart 96.6; Seaman's Protection Act, 46 U.S.C. 2114; 29 CFR part 1986; Social Security Act, 42 U.S.C. 503; 20 CFR part 601; Solid Waste Disposal Act, 42 U.S.C. 6971; 29 CFR part 24; Surface Transportation Assistance Act, 49 U.S.C. 31105; 29 CFR part 1978; Toxic Substances Control Act, 15 U.S.C. 2622; 29 CFR part 24; Vietnam Era Veterans Readjustment Assistance Act, as amended, 38 U.S.C. 4211, 4212; 41 CFR part 60–250, subpart B; Wagner-Peyser Act, as amended, 29 U.S.C. 49 *et seq.*; 20 CFR part 658; Walsh-Healey Public Contracts Act, as amended, 41 U.S.C. 38; 41 CFR part 50–203; Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. 42121; 29 CFR part 1979; Workforce Innovation and Opportunity Act, 29 U.S.C. 3101 *et seq.*; Workforce Investment Act of 1998, 29 U.S.C. 2801 *et seq.*; 20 CFR parts 652, 660 through 670; 29 CFR part 37; other statutes, executive orders and regulations providing for an ALJ hearing as they may become applicable in the future.

PURPOSE(S):

To maintain the court records for public administrative-adjudicative hearings. These records and information in these records are used as the court record in ALJ hearings conducted pursuant to 5 U.S.C. 552, 553, 554, 556, and 557 and/or a variety of particular statutes and executive orders. The purpose of the system is the adjudication of cases and determination of issues in hearings and appeals proceedings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the universal routine uses listed in the General Prefatory Statement to this document, the Department may disclose relevant and necessary data as follows:

Official case records, including final decisions and orders, may be disclosed to the Federal courts and boards that are charged with reviewing decisions on appeal.

Information from the official record may be disclosed to the parties or their attorneys or their non-attorney representatives in matters pending before the OALJ. Information from case files may also be disclosed pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552.

ALJ decisions and orders and other selected orders are public agency records and are released to the public, for the purpose of creating a body of legal precedent which serves to guide the public regarding the statutes over which the OALJ exercises jurisdiction. Final decisions and orders and other selected orders are available on the agency's internet Web site at *www.oalj.dol.gov* and may be sent to commercial publishing companies for publication in paper form and over the internet. They are also available for public inspection at the OALJ's reading room.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Retrieved by case number or name of party.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

In cases where the OALJ is the official custodian, inactive case files are retained for three years before being sent to a Federal Records Center. The Federal Records Center retains the files for an additional 15 years before they are authorized for destruction, except for certain cases designated as precedent setting, which become permanent records. In cases where OALJ is not the official custodian, for example matters relating to Black Lung and Longshore (and extensions) cases, the official file is transferred to the appropriate federal custodial agency. When a case is appealed, the case file is forwarded to the appropriate administrative appellate agency, such as the Benefits Review Board, or the Administrative Review Board.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Program Operations, U.S. Department of Labor, Office of Administrative Law Judges, 800 K St. NW., Washington, DC 20001.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be in the form of a written, signed request to the System Manager at the above address.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to their records should send a written, signed request to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals wishing to petition for an amendment to their records should send a written, signed request to the System Manager.

RECORD SOURCE CATEGORIES:

Records may include information submitted by the agency with initial claims development or investigatory responsibility, claimants, complainants, respondents, and other parties to the case, amicus curiae, ALJs involved in a case, the court reporter, and in the case of remanded cases, the administrative-appellate body or Federal court.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OASAM—DOL Office of the Assistant Secretary for Administration and Management Systems of Records

DOL/OASAM–4

SYSTEM NAME:

Safety and Health Information Management System (SHIMS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. Office of Worker Safety and Health, OASAM, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210;

b. DOL regional offices;

c. A copy of the modified CA–1/CA–2 Form used by the Office of Workers' Compensation Programs (OWCP) and the Form 301 used by the Occupational Safety and Health Administration (OSHA) may be reproduced and retained in the office of the supervisor who files the form.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employees, Job Corps students and Contractors involved in occupationally related accidents, injuries and illnesses. (SHIMS host other Federal agencies, and their employees would be included in coverage as well.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of on-the-job accidents, injuries, and illnesses generated as a result of filing forms CA–1, CA–2, and OSHA Form 301.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 651 *et seq.*, 29 CFR part 1960, 5 U.S.C. 7902, the Occupational Safety and Health Act of 1970 (PL 91–596), Executive Order 12196; Federal Employees' Compensation Act, as amended (codified in 5 U.S.C. 8101 *et seq.*), and to related regulations in Title 20, Code of Federal Regulations (CFR), Part 10; DOL Secretary's Order 5–2009.

PURPOSE(S):

This system is used (a) to provide an information source for compliance with the Occupational Safety and Health Act; (b) to provide a documented record of job related accidents, injuries, and illnesses for the purpose of measuring safety and health programs' effectiveness; (c) to provide summary data of accident, injury and illness information to Departmental agencies in a number of formats for analytical purposes in establishing programs to reduce or eliminate loss producing hazards or conditions; (d) to provide summary listings of individual cases to Departmental agencies to ensure that all work-related injury/illness cases are reported through the SHIMS; and (e) to use as a reference when adjudicating tort and employee claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by claimant's last name, social security number, and employee category (DOL employee or Job Corps student) and SHIMS Incident Claim Number (ICN).

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

All workers' compensation records contained in SHIMS should be disposed of in accordance with applicable records schedules under General Records Schedule (GRS) 1.31. All OSHA 301 records contained in SHIMS should be disposed of in accordance with applicable records schedules under GRS 1.34.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Worker Safety and Health, OASAM, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from:

a. The employee (or someone acting on his/her behalf);

b. Witness (if any);

c. Employing agency (supervisor or comp specialist);

d. CA–1 and CA–2, forms used by OWCP; and/or

e. Form 301 used by OSHA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT

None.

DOL/OASAM–5

SYSTEM NAME:

Employee Assistance Program (EAP) Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Employee Assistance Program (EAP), headquartered in the Human Resources Center, Office of the Assistant Secretary for Administration and Management (OASAM), U.S. Department of Labor (DOL), 200 Constitution Avenue NW., Washington, DC 20210, and offices of designated EAP service providers located elsewhere in the Washington metropolitan area and Department's regions.

Note: DOL may elect to use, under an interagency agreement or other contractual arrangement, the counseling staff of another Federal, state, or local government, or private or community organization. This system *does not cover* EAP records of DOL employees (current or former) or their family members that are maintained by other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employees or their family members, who have been assessed, referred for treatment/rehabilitation or otherwise counseled regarding alcohol or drug abuse or other emotional health issues by an EAP counselor responsible for providing services to DOL employees or their family members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include documentation of visits to counselors designated by the agency to provide EAP services (regardless of whether the counselors are employed by the Federal, state, or local government, or by a private sector or community organization); problem assessments; counseling; recommendations and/or referrals for treatment and/or rehabilitation; client cooperation with those recommendation and/or referrals; progress; and other notes or records of discussions held with the client made by the counselor. Additionally, records in this system may include documentation of the therapeutic or rehabilitative work performed by a private therapist or a therapist at a Federal, State, local government, or private organization. If the client was referred to the EAP by a supervisor due to work performance or conduct problems, the record may also contain information regarding such matters. When the client was referred to the EAP because of a positive drug test, required by DOL's drug-free workplace plan, the record will also contain information about substance abuse assessment, treatment, aftercare, and substance use monitoring results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7361, 7362, 7901, 7904; 44 U.S.C. 3101.

PURPOSE(S):

These records are used to document the nature and extent of the client's problem; the short-term problem solving/counseling, recommendations and/or referrals for treatment and/or rehabilitation made by the EAP; and the extent of the client s participation in, and the results of treatment or rehabilitation in community or private sector programs; and any follow-up necessary.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. DOL may elect to enter into interagency agreements or other contractual arrangements with other Federal agencies, private organizations or individuals for the purpose of providing EAP services for DOL employees and their family members. Relevant client records will be disclosed to these providers.

b. Except where the records are covered by the Confidentiality of Alcohol and Drug Abuse Patient Records regulation, 42 CFR part 2, records and information in these records may be:

i. Disclosed to the Department of Justice when: (A) DOL or any component thereof; or (B) any employee of the agency in his or her official capacity; or (C) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation, and the use of such records by the Department of Justice is for a purpose that is compatible with the purpose for which the agency collected the records.

ii. Disclosed in a proceeding before a court or adjudicative body, when: (A) DOL or any component thereof; or (B) any employee of the agency in his or her official capacity; or (C) any employee of the agency in his or her individual capacity; or (D) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation, and that the use of such records is a purpose that is compatible with the purpose for which the agency collected the records.

c. Where the records are covered by the Confidentiality of Alcohol and Drug Abuse Patient Records regulation, 42 CFR part 2, records and information in these records may be used:

i. To disclose, in accordance with 42 CFR 2.51(a), patient identifying information to medical personnel who have a need for the information about a patient for the purpose of treating a condition which poses an immediate threat to health of any person and which requires immediate medical intervention.

ii. To disclose patient identifying information to medical personnel of the Food and Drug Administration (FDA) who assert a reason to believe that the health of any individual may be threatened by an error in the manufacture, labeling, or sale of a product under FDA jurisdiction, and that the information will be used for the exclusive purpose of notifying patients or their physicians of potential dangers. (See 42 CFR 2.51(b)).

iii. To disclose patient information when authorized by an order of a court of competent jurisdiction in accordance with 42 CFR 2.61;

iv. To disclose information to a Federal, State or local law enforcement authority that is directly related to a patient's commission of a crime committed on the premises of the program or against any program personnel or to a threat to commit such a crime. (See 42 CFR 2.12(a)(5));

v. To disclose information to State or local law enforcement authorities on incidents of suspected child abuse or neglect. (See 42 CFR 2.12(c)(6);

vi. To disclose the fact of a minor's application for treatment to the minor's parent or guardian where State law requires parental consent. (See 42 CFR 2.14(c));

vii. To disclose to a minor's parent or guardian, facts relevant to reducing a threat to the life or physical wellbeing of any individual, if the minor lacks capacity for rational choice (See 42 CFR 2.14(d); **Note:** I've never seen these items in a SORN;

viii. To disclose to a Qualified Service Organization (QSO), in accordance with 42 CFR 2.12(c)(4), that information needed by the QSO to provide services to the program;

ix. To disclose patient identifying information for the purpose of conducting scientific research under the circumstances set forth in 42 CFR 2.52;

x. To disclose patient identifying information for audit and evaluation purposes under the circumstance set forth in 42 CFR 2.53.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by a case code number, unique to the client utilizing the program. These numbers are cross-indexed by name.

SAFEGUARDS:

a. Authorized Users: Access to these records is limited to EAP Administrators who work directly with clients of the program and their immediate staffs (including counselors, secretaries, and contract or consortia administrators, counselors or secretaries). OASAM EAP Administrators as well as EAP Administrators and Coordinators from other Federal agencies who contract with OASAM, whether or not they directly provide clinical services, may have access to the records for the purposes of program evaluation, destroying records at the end of the period of maintenance, and transferring records from one EAP contractor to another. OASAM may also contract with either a private organization or other Federal agency to destroy these records. The personnel of these record destruction organizations or agencies may have access to the records at the end of their period of maintenance for the purpose of transferring records from the EAP location to a destruction site and subsequently destroying the records.

b. Physical Safeguards: All paper records are stored in metal filing cabinets equipped with at least combination locks and *preferably* locking crash bars. These file cabinets are in secured areas, accessible only to the EAP staff outlined above, and are locked when not in use. These records are always maintained separate from other systems of record. Computers containing records are discrete from other computer systems and/or are password protected. Computers are also stored in secured areas, accessible only to the EAP staff outlined above.

c. Procedural Safeguards: All persons having access to these records shall already have been trained in the proper handling of records covered by the Privacy Act and 42 CFR part 2 (Confidentiality of Alcohol and Drug Abuse Patient Records). These acts restrict disclosures to unique situations, such as threats of physical harm, medical emergencies, and suspected child abuse, except where the client has consented in writing to such disclosure. Clients of the EAP will be informed in writing of the confidentiality provisions. Secondary disclosure of released information is prohibited without client consent.

RETENTION AND DISPOSAL:

Records are retained for three (3) years after the client's last contact with the EAP, or until any relevant litigation is resolved, or any periodic evaluation reports required by the U.S. Office of Personnel Management, DOL, or other authorities are completed, in accordance with *http://www.archives.gov/records-mgmt/grs/grs01.html* (item #26). Some OASAM EAPs provide substance abuse evaluations as part of Federal Drug-Free Workplace Program. These records will be retained for five years after contact with the program has ceased or any litigation is completed. Individual states may require longer retention. The rules in this system notice should not be construed to authorize any violation of such state laws that have greater restrictions.

SYSTEM MANAGER(S) AND ADDRESS:

The Employee Assistance Program Administrator, Safety and Health Center, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORDS SOURCE CATEGORIES:

Information contained in this system of records comes from the individual to whom it applies, the supervisor of the individual if the individual was referred to the EAP by a supervisor, the staff of the EAP, other therapists or organizations providing treatment and/or rehabilitation, and other sources whom the EAP believes may have information relevant to treatment of the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–7

SYSTEM NAME:

Employee Medical File System Records (Not Job Related).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

For current employees, records are located in a health unit or dispensary of the Federal Occupational Health (FOH), U.S. Public Health Service, Department of Health and Human Services, or in a health unit or dispensary of another Federal or private sector entity which provides health services, under an interagency agreement or other contractual arrangement, to DOL employees. Medical records maintained by one of the latter entities may be considered the property of the entity providing care to the DOL employee; however, records maintained by FOH are considered the property of DOL.

For former employees, most records will be located in an Employee Medical Folder (EMF) stored at the National Personnel Records Center operated by the National Archives and Records Administration (NARA). Agencies may retain some records on former employees for a limited time.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered are those of the following who have received voluntary employee health services provided by the agency under the authority of 5 U.S.C. 7901:

a. Current and former DOL employees as defined in 5 U.S.C. 2105;

b. DOL contract employees and other visitors (including minors and employees of other Federal agencies) who may have received emergency care from the health unit or dispensary.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is comprised of records developed as a result of the provision of voluntary employee health services offered by the agency under the authority of 5 U.S.C. 7901. These records contain the following information:

a. Medical history and other biographical data on those employees requesting voluntary periodic health examinations;

b. Test reports and medical diagnoses based on voluntary periodic health examinations or voluntary health screening program tests (tests for single medical conditions or diseases);

c. History of complaint, diagnosis, and treatment of injuries and illnesses cared for by the health unit or dispensary;

d. Vaccination records.

Note: Listed below are other types of medical records which are *not* covered by this system of records. Rather, they are covered by a government-wide system of records (OPM/GOVT–10), which is managed by the U.S. Office of Personnel Management (OPM), even though the records are not in OPM's physical custody. The routine uses of such records are defined in the Privacy Act Notice for OPM/GOVT–10. Such records include:

a. Medical records, forms, and reports completed or obtained when an individual applies for a Federal job and is subsequently employed;

b. Medical records, forms and reports completed during employment as a condition of employment, either by the employing agency or by another State or local government entity, or a private sector entity under contract to the employing agency;

c. Records pertaining to and resulting from the testing of the employee for use of illegal drugs under Executive Order 12564. Such records may be retained by the agency (*e.g.*, by the agency Medical Review Official) or by a contractor laboratory. This includes records of negative results, confirmed or unconfirmed positive test results, and documents related to the reasons for testing or other aspects of test results;

d. Reports of on-the-job injuries and medical records, forms, and reports generated as a result of the filing of a claim for Workers Compensation, whether the claim is accepted or not. (The official compensation claim file is not covered by the OPM system; rather, it is part of DOL s Office of Workers Compensation Program (OWCP) system of records);

e. All other medical records, forms, and reports created on an employee during his/her period of employment, including any retained on a temporary basis and those designated for long-term retention (*i.e.*, those retained for the entire duration of Federal service and for some period of time after), except that, records maintained by an agency dispensary are included in this system of records only when they are the result of a condition of employment or related to an on-the-job occurrence including, for example, records of the specialized health services made available to investigative personnel of the Wage-Hour Division, under interagency agreement between PHS and DOL s Employment Standards Administration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901 *et seq.*, 5 CFR 293, and 5 CFR 297.

PURPOSE(S):

These records document the utilization and provision of voluntary employee health services authorized by 5 U.S.C. 7901.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records and information in this system of records may be used as follows:

a. Disclosed to the Department of Justice when: (1) DOL or any component thereof; or (2) any employee of the agency in his or her official capacity; or (3) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation, and the use of such records by the Department of Justice is for a purpose that is compatible with the purpose for which the agency collected the records.

b. Disclosed in a proceeding before a court or adjudicative body, when: (1) DOL or any component thereof; or (2) any employee of the agency in his or her official capacity; or (3) any employee of the agency in his or her individual capacity; or (4) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation, and that the use of such records is a purpose that is compatible with the purpose for which the agency collected the records.

c. Used to refer information required by applicable law to be disclosed to a Federal, State, or local public health service agency, concerning individuals who have contracted certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition.

d. Disclosed to the appropriate Federal, State, or local agency responsible for investigation of an accident, communicable disease, medical condition, or injury as required by pertinent legal authority.

e. Disclosed to the OWCP information in connection with a claim for benefits filed by an employee.

f. Disclosed to contractors providing medical or health counseling services to Department of Labor employees when such contractors have a need for the information in connection with their services. This would include medical or health personnel and employee assistance program (EAP) counselors.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the individual's name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files. Records are retained for six (6) years after the date of last entry in accordance with OPM/GOVT–10.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Safety and Health Center, Office of the Assistant Secretary for Administration and Management (OASAM), U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

A request for access should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from:

a. The individual to whom the information pertains;

b. Laboratory reports and test results;

c. Medical staff working in the health unit or dispensary who have examined, tested, or treated the individual;

d. The individual's co-workers or supervisors;

e. The individual's personal physician; and/or

f. Other Federal employee health units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–12

SYSTEM NAME:

Administrative Grievance Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. Human Resources Center, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; and National and Regional Human Resources Offices;

b. Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; and regional offices of the Solicitor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Department employees who have filed grievances under the Department's administrative grievance procedures in accordance with 5 CFR part 771 and Departmental Personnel Regulation 771.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Department employees under administrative grievance procedures and in accordance with 5 CFR part 771 and Departmental Personnel Regulation 771. These case files contain all documents related to interviews and hearings, fact-finder's findings and recommendations, a copy of the original decision, and related correspondence and exhibits, including settlement agreements. This system does not include files and/or records of any grievance filed under negotiated procedures with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR part 771.

PURPOSE(S):

The records are used to process grievances submitted by employees for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the universal routine uses listed in the General Prefatory Statement to this document, the Department may disclose relevant and necessary data as follows:

a. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

b. To disclose information to officials of the Merit System Protection Board or the Office of Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of Department rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions as may be authorized by law.

c. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices or examination of affirmative employment programs.

d. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETRIEVING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are destroyed no sooner than four (4) years but no later than 7 years after case is closed. (N1 GRS 92–1 item 30a).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Human Resources Policy and Accountability, Human Resources Center, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Individuals submitting grievances should already be provided with a copy of the record under the grievance process. They may, however, contact the personnel office where the action was processed, regarding the existence of such records about them. Such individuals must furnish the following information for their records to be located and identified:

a. Name;

b. Approximate date of closing of the case and kind of action taken; and

c. Organizational component involved.

RECORDS ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the following:

a. The individual on whom the records are maintained;

b. Testimony of witnesses;

c. Investigative and other employment records;

d. Decisions by agency officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM—17

SYSTEM NAME:

Equal Employment Opportunity Complaint Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. Civil Rights Center, OASAM, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210;

b. Office of the Solicitor, Washington, DC; and regional offices of the Solicitor;

c. Agency Equal Employment Opportunity (EEO) Managers, Washington, DC and regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, classes of individuals, or representatives designated to act on behalf of Department employees, former employees, or applicants for employment who have consulted with an Equal Employment Opportunity (EEO) counselor and/or who have filed a formal complaint alleging discrimination on the basis of race, color, religion, sex (including gender identity and pregnancy), national origin, disability, age, genetic information, sexual orientation, parental status and/or any basis covered by Executive Order 11478, because of a determination, decision, action, or non-action administered against them by a departmental official, as well as individuals alleging reprisal for having previously participated in EEO activity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include information and/or documents pertaining to pre-complaint processing, informal resolutions, formal complaints, and investigations of complaints. These records contain complainants' names; addresses; job titles and descriptions, and dates of employment; agencies involved; counselors' reports; initial and supplemental allegations; letters and notices to individuals and organizations involved in the processing of the complaint; materials placed into the record to support or refute the alleged decisions; determination or actions taken; statements of witnesses; related correspondence; investigative reports; instructions on actions to be taken in order to comply with the provisions of a decision; opinions; recommendations; settlement agreements; and proposed and final decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Secretary's Order 1–2004; Title VII of the Civil Rights Act of 1964, as amended; the Equal Pay Act; the Lilly Ledbetter Fair Pay Act of 2009; the Age Discrimination in Employment Act of 1967, as amended; the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act Amendments Act of 2008; the Genetic Information Nondiscrimination Act of 2008; the Civil Service Reform Act of 1978; the Civil Rights Act of 1991; the No FEAR Act; Executive Order 11478, as amended; Executive Order 11375, as amended; Executive Order 13163; Executive Order 13164; Executive Order 13145; 29 CFR 1614; and the Equal Employment Opportunity Commission's (EEOC) Management Directives 110 (Complaint Processing) and 715 (Effective Affirmative Programs).

PURPOSE(S):

These records are used to process, investigate and resolve Equal Employment Opportunity complaints within the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in the complaint file are classified into three categories: Correspondence, investigative, and transcripts. In addition to the universal routine uses listed in the General Prefatory Statement to this document, records that are relevant and necessary may be disclosed as follows:

a. To responding officials (ROs) or other witnesses consistent with the instructions in the Equal Employment Opportunity Commission's (EEOC's) Complaint Processing Manual which provides that during the investigative process witnesses may be given access to information and documents in the correspondence files and the investigative file where the investigator determines that the disclosure of information or documents is necessary to obtain information from the witness. If the Department issues a final decision on the complaint rejecting the complainant's allegations, ROs or other witnesses may not have access to the complaint file. If the Department takes or proposes adverse action against an RO or other witness, only the records upon which the decision is based, without deletions, must be made available for his or her review.

b. To Federal agencies with jurisdiction over a complaint, including the EEOC, the Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, and the Federal Labor Relations Authority, for investigatory, conciliation or enforcement purposes.

c. To a physician or medical official for the purpose of evaluating medical documents in complaints of discrimination on the basis of disability.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Paper files are indexed by complainant's name and by the office case number. Electronic files are retrieved by: Office case number; complainant's name; fiscal year; current status of complaint; region code; issue code; basis code; agency code; class action; relief code; EOS identification; investigator identification.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are destroyed 4 years after resolution of case. (N1 GRS 80 9 item 1)

SYSTEM MANAGER(S) AND ADDRESS:

Director, Civil Rights Center, OASAM, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

An individual wishing to inquire whether this system of records contains non-exempt information about him/her should contact the System Manager. Individuals must furnish in writing the following information for their records to be located and identified: As appropriate, their full name, the name of the employing agency and/or the agency in which the situation arose if different than the employing agency, approximate date of filing complaint, region of complaint, complaint case number, and the kind(s) of action(s) taken.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to their records should contact the System Manager as indicated in the Notification Procedure section above.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of Department's Privacy Act regulations at 29 CFR 71.1 and 71.9.

RECORD SOURCE CATEGORIES:

An individual to whom the record pertains; official documents relating to the processing of a complaint, including the informal and formal allegations, and appeals of departmental decisions; and respondent agency officials, employees, and other witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption provided by 5 U.S.C. 552a(k)(2), this system of records is exempted from the following provisions of the Privacy Act: (c)(3), (d), (e)(l), (e)(4)(G), (H), and (I), and (f). Release of information from the complaint file to the complainant may be denied in anticipation of a civil action or proceeding, in instances where premature release of documents could hamper the decision-making process, where the release of personal information may result in an invasion of personal privacy, and where release of confidential statements could lead to intimidation or harassment of witnesses and impair future investigations by making it more difficult to collect similar information.

DOL/OASAM–19

SYSTEM NAME:

Negotiated Grievance Procedure and Unfair Labor Practice Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. Human Resources Center, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; and National and Regional personnel offices.

b. Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; and Regional offices of the Solicitor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees who have filed grievances under negotiated grievance procedures, and Department employees or Union/Union representatives (AFGE Local 12, NULI and NCFLL) who have filed unfair labor practices charges against the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include information relating to employee grievances filed under procedures established by labor-management negotiations in the collective bargaining agreements between DOL and its three (3) Unions: The NCFLL, AFGE Local 12 and NULI, and unfair labor practice charges filed under the Federal Service Labor-Management Relations Act. The records may include information such as: Employee's name, grade, job title, employment history, arbitrator's decision or report, record of appeal to the Federal Labor Relations Authority, and a variety of employment and personnel records associated with a grievance or charge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7121 for grievances, 5 U.S. 7116 for unfair labor practices, Federal Service Labor-Management Relations Act and related amendments of 5 U.S.C. 5596(b) for back pay.

PURPOSE(S):

To process an employee's grievance filed under a negotiated grievance procedure, or an unfair labor practice charge filed by an employee or union.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the universal routine uses listed in the General Prefatory Statement to this document, records that are relevant and necessary may be disclosed to:

a. Officials of the Merit System Protection Board or the Office of Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of Department rules and regulations, investigations or alleged or possible prohibited personnel practices, and such other functions as may be authorized by law.

b. The Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices or examination of affirmative employment programs.

c. The Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

d. The union when requested in connection with the union's representation of the Department employee who has filed the grievance or unfair labor practice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and on paper.

RETRIEVABILITY:

Records are retrieved by name and/or case file number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after expiration of agreement. (NC1–64–77–10 item 29a1)

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Employee and Labor Management Relations, Human Resources Center, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual employees who have filed grievances and charges, employee/supervisor interviews, investigative and employment records, and findings of arbitrators and other tribunals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption provided by 5 U.S.C. 552a(k)(2), this system of records is exempted from the following provisions of the Privacy Act: (c)(3), (d), (e)(l), (e)(4)(G), (H), and (I), and (f). Release of information from the complaint file to the complainant may be denied in anticipation of a civil action or proceeding, in instances where premature release of documents could hamper the decision-making process, where the release of personal information may result in an invasion of personal privacy, and where release of confidential statements could lead to intimidation or harassment of witnesses and impair future investigations by making it more difficult to collect similar information.

DOL/OASAM–20

SYSTEM NAMES:

Personnel Investigation Records

SECURITY CLASSIFICATION:

None, except items or records within the system may have national defense/foreign policy classifications up through secret.

SYSTEM LOCATION:

Director, Security Center (OASAM), U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC, 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Current and former employees or applicants for employment in the Department.

b. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, experts, instructors, and consultants to Departmental programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative files and investigative index card files which pertain to clearance investigations for Federal employment. These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for violations against the law; reports of interviews with present and former supervisors, coworkers, associates, educators, etc; reports about the qualifications of an individual for a specific position and files and index cards relating to adjudication matters; reports of inquiries with law enforcement agencies, employers, educational institutions attended; reports or action after OPM or FBI Section 8(d) Full Field Investigation; Notices of Security Investigation; and other information developed from above.

NOTE: This system does not apply to records of a personnel investigative nature that are part of the Office of Personnel Management's (OPM) Privacy Act System OPM/CENTRAL–9, Personnel Investigation Records. Access to or amendment of such records must be obtained from OPM.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450.

PURPOSE(S):

The purposes of this system are:

a. To provide investigatory information for determination concerning compliance with Federal personnel regulations and for individual personnel determinations including suitability and fitness for Federal employment, access and security clearances, evaluations of qualifications, loyalty to the U.S. and evaluations of qualifications and suitability for performance of contractual services for the U. S. Government.

b. To document such determinations;

c. To provide information necessary for the scheduling and conduct of the required investigations;

d. To otherwise comply with mandates and Executive Order; and

These records may also be used to locate individuals for personnel research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used in disclosing relevant and necessary information:

a. To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, when such agency, office, or establishment conducts an investigation of the individual for the purpose of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas.

b. To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, having the responsibility to grant clearances to make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement.

c. To the intelligence agencies of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Department of Homeland Security, and the Federal Bureau of Investigation for use in intelligence activities.

d. To Federal agencies as a data source for management information through the production of summary descriptive statistics and analytical studies in support of the functions for maintained or for related studies.

e. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of office rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, *e.g.,* as promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

f. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guideline Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

g. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the individual's name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained as follows:

a. Reports of action after OPM or FBI section 8(d) background investigation are retained for the life of the investigative file.

b. Notices of Security Investigations are retained for 20 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Security Center, OASAM, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system was obtained from the following categories of sources:

a. Applications and other personnel and security forms furnished by the individual;

b. Investigative and other record material furnished by Federal agencies;

c. Notices of personnel actions furnished by Federal agencies;

d. By personal investigation or written inquiry from sources such as employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, newspapers, magazines, periodicals, and other publications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system may contain the following types of information:

a. Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. The Privacy Act, at 5 U.S.C. 552a(k)(5), permits an agency to exempt such material from certain provisions of the Act. Materials may be exempted to the extent that release of the material to the individual whom the information is about would:

i. Reveal the identity of a source who furnished information to the Government under an express promise (granted on or after September 27, 1975) that the identity of the source would be in confidence; or

ii. Reveal the identity of a source who, prior to September 27, 1975, furnished information to the Government under an implied promise that the identity of the source would be held in confidence.

b. For all the above reasons the Department hereby exempts this system from the following provisions of the Privacy Act: 5 U.S.C. 552a (c)(3),(d),(e)(1),(e)(4)(G), (H) and (I) and (f).

DOL/OASAM–22

SYSTEM NAME:

Civil Rights Center Discrimination Complaint Case Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

b. Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; and regional offices of the Solicitor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, classes of individuals, or representatives designated to act on behalf of individuals, who file complaints against recipients of financial assistance under Title I of either the Workforce Investment Act (WIA) or the Workforce Innovation and Opportunity Act (WIOA); One-Stop Center partners listed in Section 121(b) of either WIA or WIOA that offer programs or activities through the American Job Center system; any other recipients of financial assistance from the Department itself; Department conducted programs; or components of State or local governments that exercise responsibilities, regulate, or administer services, programs, or activities (including regulatory activities) relating to labor and the workforce.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complainants' statements of alleged discrimination; respondents' statements; witnesses' statements; names and addresses of complainants and respondents; personal, employment, or program participation information; medical records; conciliation and settlement agreements; related correspondence; initial and final determinations; other records related to investigations of discrimination complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d to 2000d–4; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681–1688; the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.;* Section 188 of the Workforce Investment Act of 1998, 29 U.S.C. 2938; Section 188 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3248; Title II, Subpart A, of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12131 *et seq.;* Executive Orders 13160 and 13166; Secretary's Order 4–2000; 29 CFR parts 31, 32, 33, 35, 36 37, and 38; and 28 CFR part 35.

PURPOSE(S):

These records are used to process, investigate and resolve discrimination complaints filed with the Department against (a) recipients of financial assistance from the Department, and, in the circumstances described in "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM" above, from other Federal departments and agencies; (b) Department conducted programs or activities; and (c) components of State and local governments that exercise responsibilities, regulate, or administer services, programs, or activities in all programs, services, and regulatory activities relating to labor and the workforce.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the universal routine uses listed in the General Prefatory Statement to this document, records that are relevant and necessary may be disclosed as follows:

a. To the Equal Employment Opportunity Commission, Department of Justice, Federal Mediation and Conciliation Service, and other Federal departments and agencies, when relevant to matters within the jurisdiction of those agencies over a complaint, for investigatory, conciliation, enforcement, or litigation purposes.

b. To organizations (and their employees) which are subject to CRC jurisdiction under the circumstances described above, and against whom complaints in an administrative or judicial proceeding are filed to the extent necessary to effectively represent themselves, provided that the privacy of persons not a party to the dispute is protected.

c. To relevant witnesses so that they may be given access to information and documents in the correspondence files and the investigative file where the investigator determines that the disclosure of information or documents is necessary to obtain information from the witness.

d. To the Equal Employment Opportunity Commission, the Department of Justice, the Department of Health and Human Services, and other Federal entities having responsibility for coordinating civil rights activities and/or preparing reports to Congress under authorities indicated in this particular notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

These records are retrieved by various combinations of office case numbers, complainant's name, fiscal year, current status of complaint, State, basis code, and program code.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records in this system are destroyed after one to four years. (N1 GRS 92 3 item 25c2).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Civil Rights Center, OASAM, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Individual complainants; respondent officials, employees, and witnesses; interrogatories; recipient files and records; and physicians' and other medical service providers' records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(l); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government with an express promise that the identity of the source would be held in confidence.

DOL/OASAM–25

SYSTEM NAMES:

Intergovernmental Personnel Act (IPA) Assignment Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. In Washington, DC: OASAM, Human Resources Center

b. OASAM Regional Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former State or local government agency or educational institution employees, employees of Indian tribal governments or employees of other organizations who have completed or are presently on an assignment in a DOL agency under the provisions of IPA.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records consist of a copy of the individual's IPA agreement between a DOL agency and a State or local government, educational institution, Indian tribal government, or other organization; biographical and background information about the assignees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Intergovernmental Personnel Act of 1970. (5 U.S.C. 3371 through 3376).

PURPOSE(S):

These records are maintained to document and track mobility assignments under IPA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of the individual.

SAFEGUARDS:

Accessed by authorized personnel only. Computer security safeguards are used for electronically stored data and locked for paper files.

RETENTION:

Records are retained for a period of three years following the completion of the assignment in accordance with the applicable Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resource Services Center, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORDS SOURCE CATEGORIES:

Information contained in this system is obtained from the assignee and officials in DOL agencies, State and local governments, educational institutions, Indian tribal governments and other organizations where the assignee is employed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–26

SYSTEM NAMES:

Frances Perkins Building Parking Management System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Facilities Management, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals assigned or applying for assignment of parking privileges in the Frances Perkins Building, Washington, DC.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes: name, office building and room number, office telephone number, employing agency, home address, federal service computation date, handicap certification, automobile license number, make and year of car, permit numbers (if assigned parking privileges), category of assignment, and office location in/out of zone of special consideration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To maintain records on individuals who are assigned or applying for assignment of parking privileges in the Frances Perkins Building.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of information may be made to other government agencies to compare names of car pool members. [For verification, the names of car pool members, their office telephone number and permit numbers will be displayed within the Frances Perkins Building.] Applications for disabled parking shall be disclosed to the PHS for medical review and approval. The names of car pool members, permit number, agency and office telephone numbers will be provided to the management contractor for the sale of permits.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name or permit number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained while the assignments are current and are destroyed after the completion of each parking reallocation cycle.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Facilities Management, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORDS PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORDS SOURCE CATEGORIES:

Information contained in this system is obtained from the individuals to whom the information pertains and other government agencies that provide information to the Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–27

SYSTEM NAMES:

Employee/Contractor/Visitor Identification System

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management (OASAM), Security Center (SC), 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS:

DOL employees and employees of contractors doing business with DOL and individuals requiring access to the DOL.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include individual identifiers plus a photographic image of DOL employees, DOL contractors and individuals requiring access to the department.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

PURPOSE(S):

To maintain records on the identification of persons to be rightfully admitted to DOL facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the employee's or contractor's last name or social security number and agency.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained indefinitely, in accordance with Records Schedule 174 (*https://www.archives.gov/records-mgmt/grs/grs11.pdf*).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Security Center, OASAM, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this System is obtained from DOL employees, employees of contractors doing business with DOL and individuals requiring access to the DOL.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–28

SYSTEM NAMES:

Incident Report/Restriction Notice.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management (OASAM), Security Center, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS:

Complainants, and Suspects (Subjects of the investigations?).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records which contain information on incidents that occurred in the Frances Perkins Building. Information includes name, agency and date of incident.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide a means of identifying security problems thereby making it possible to better utilize security resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by names.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for two years, in accordance with General Schedule Number 18.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Security Center, U.S. Department of Labor, OASAM/SC, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals, DOL records, Federal investigatory agencies, *e.g.* Federal Protective Services, U.S. Secret Service, and Federal Bureau of Investigations records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–29

SYSTEM NAMES:

OASAM Employee Administrative Investigation File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices within the Office of the Assistant Secretary for Administration and Management (OASAM) at the National Office and in each of the Regional Offices in addition to all OASAM client agencies in the National Office and in the regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

OASAM employees and OASAM client agency personnel against whom allegations of misconduct have been made.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative report(s), sworn affidavits, written statements, time and attendance records, earnings and leave statements, applications for leave, notifications of personnel actions, travel vouchers, SF–171's, certificates of eligible, performance appraisals, interviews and other data gathered from involved parties and organizations which are associated with the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To maintain records on investigations of allegations of misconduct.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USERS:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name or case file number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for four (4) years following the date either case is: (a) Referred to the Office of Inspector General (OIG); (b) transferred to the Office of Personnel (OPM/GOVT–3) Records of Adverse Actions and Actions Based on Unacceptable Performance; or (c) it is determined that the allegation was without sufficient merit to warrant further action.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Center, 200 Constitution Avenue NW., Washington, DC 20210, and appropriate Regional Human Resources Officers.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORDS ACCESS PROCEDURES:

A request for access shall be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from hotline complaints received through the OIG or General Accounting Office; incident reports submitted by employees or members of the general public; statements by subject and fellow employees; and other investigative reports.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and 5 U.S.C. 552a (f), provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/OASAM–30

SYSTEM NAMES:

Injury Compensation System (ICS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. Offices in Washington, DC: Office of Worker Safety and Health, OASAM, and

b. OASAM Regional Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current/former employees of the Department of Labor and current/former Job Corps Center students who file, or who have filed on their behalf, workers' compensation claims for traumatic injury, occupational disease, recurrence of disability, and death.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information relating to a DOL employee's/Job Corps Center student's claim for compensation filed under procedures established by the Office of Worker's Compensation Programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Employees' Compensation Act, as amended (codified in 5 U.S.C. 8101 *et seq.*), and to related regulations in Title 20, Code of Federal Regulations (CFR), Part 10; DOL Secretary's Order 5–2009.

PURPOSE:

The records are used as a reference, by agency officials, to track and monitor DOL employees and/or Job Corps Center students who receive continuation of pay and/or FECA compensation benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Paper files are indexed by agency/region. Electronic files are retrieved by: agency/region code, case number, claimant's name, fiscal year.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

All records contained in the Injury Compensation System should be disposed of in accordance with applicable records schedules under General Records Schedule (GRS) 1.31.

SYSTEM MANAGER(S) NAME AND ADDRESS:

Director, Office of Worker Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Records in this system contain information extracted from OWCP/payroll data files/tapes and the Safety and Health Information Management System (SHIMS).

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–31

SYSTEM NAMES:

DOL Flexible Workplace Programs Evaluation and Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

DOL/OASAM/Office of Human Resources, Office of Human Resource Systems and with each employee's supervisor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL participants in Flexible Workplace Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system include program participants, position title and grade, office location, and address of alternate work site. Records also include survey information obtained during the individual's participation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

These records are used for statistical reporting and evaluation of the DOL Flexible Workplace Program, and are not used in any way for making any determination about an identifiable individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by individual(s) name(s).

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for no longer than one year after the end of the employee's participation in the program. (N1 GRS 92–1 item 42.)

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Office of Human Resources, Office of Human Resource Systems, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORDS ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual participants and their supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–32

SYSTEM NAMES:

Transit Subsidy Management System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management (OASAM), Human Resources Center (HRC), Office of HR Works Systems (OHRWS), 200 Constitution Avenue NW., Room S–3308, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DOL employees who apply for Transit Subsidy benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include information on DOL employees, such as name, grade, organization (code), office location, and home/work addresses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. C. 301.

PURPOSES(S):

To maintain records on the Transit Subsidy Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by employee's name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for three years and then destroyed in accordance with OASAM Record Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of HR Works Systems, HRC, OASAM, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–3308, Washington DC, 20210

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES

A request for access should be mailed to System Manager.

CONTESTING RECORDS PROCEDURES:

A petition for amendments should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

The information contained in this system is obtained from the applicant and manually verified against DOL's Human Resources System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–34

SYSTEM NAMES:

DOL Fitness Association (DOLFA) Membership Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Fitness Center, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOLFA members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information on members, such as name, medical information required with a membership application, and attendance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSES(S):

Records are used to determine eligibility for membership, emergency contact numbers, and statistical utilization of the Fitness Center.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSE OF SUCH USES:

Non-medical information collected from applicants for DOLFA membership shall be subject to those universal routine uses listed in the General Prefatory Statement to this document. In addition, relevant and necessary non-medical information may be disclosed to the current members of the DOLFA Board of Directors, and to the professional fitness specialists employed by DOLFA in the performance of their responsibilities. Medical information collected from applicants for DOLFA membership may be disclosed to the professional fitness specialists employed by DOLFA in the performance of their responsibilities.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for five years after a member terminates membership in DOLFA in accordance with the applicable Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Team Leader, Health and Fitness Team, Safety and Health Center, U.S. Department of Labor, 200 Constitution Avenue NW., Washington DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORDS PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from members.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–35

SYSTEM NAMES:

DOL Child Care Subsidy Program Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

DOL/OASAM/Worklife Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of Labor who apply for child care subsidies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include application forms for the child care subsidy containing personal information, including employee (parent) name, grade, home and work addresses, telephone numbers, total family income, sources and amounts of State/County/Local subsidies, names of children on whose behalf the parent is applying for the child care subsidy, children's Social Security Numbers, children's dates of birth; information on child care providers used, including name, address, provider license number and State where issued, tuition cost, and provider tax identification number; and copies of earnings and leave statements and IRS Form 1040 and 1040A for verification purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 106–58, section 643 and E.O. 9397.

PURPOSE(S):

To establish and verify DOL employees' eligibility for child care subsidies in order for DOL to provide monetary assistance to its employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses set forth in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by individual's name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for three years in accordance with OASAM Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Human Resources Center, Office of Worklife, Leave, and Benefits Policy and Programs, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORDS ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from DOL employees who apply for the child care subsidy program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–37

SYSTEM NAME:

Personal Identity Verification Credential

SECURITY CLASSIFICATION:

Most personnel identity verification records are not classified, however, in some cases, records of certain individuals, or portions of some records, may be classified in the interest of national security.

SYSTEM LOCATION:

At national and regional offices of the Department of Labor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who require regular, ongoing access to Federal facilities, information technology systems, or information classified in the interest of national security, including applicants for employment or contracts, Federal employees, contractors, students, interns, volunteers, affiliates, individuals authorized to perform or use services provided in Department facilities (*e.g.,* Credit Union, Fitness Center, etc.), and individuals formerly in any of these positions.

Note: This system notice does not apply to occasional visitors or short-term guests to whom the Department issues temporary identification cards.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Name, former names, birth date, birth place, Social Security Number, signature, home address, email address, phone numbers, residential history, citizenship, fingerprints, results of suitability decisions, date of issuance of security clearance.

b. Copies of personal identity verification (PIV) Application forms as supplied by individuals covered by the system.

c. Records maintained on individuals issued credentials by the Department include the following data fields: full name; Social Security Number; date of birth; image (photograph); fingerprints; hair color; eye color; height; weight; home address; work address; email address; agency affiliation (*i.e.,* employee, contractor, volunteer, etc.); telephone numbers; PIV card issue and expiration dates; personal identification number (PIN); results of background investigation; PIV request form; emergency responder designation; copies of "I–9" documents (*e.g.,* driver's license, passport, birth certificate, etc.) used to verify identification or information derived from those documents such as document titled, document issuing authority, document number, or document expiration date; user access and permission rights, authentication certificates; and digital signature information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. § 301; E.O. 10450, 10865, 12333, and 12356; §§ 3301 and 9101 of title 5, U.S. Code; §§ 2165 and 2201 of title 42, U.S.C.; §§ 781–887 of title 50, U.S.C.; parts 5, 732, and 736 of title 5, Code of Federal Regulation; and Homeland Security Presidential Directive (HSPD) 12, Policy for a Common Identification Standard for Federal Employees and Contractors, August 27, 2004.

PURPOSE(S):

The records are used to document and verify the identity of personnel requiring routine access to a DOL facility or network.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The universal routine uses listed at paragraphs 1, 2, 3 (except as noted on forms SF 85, 85–P, and 86), 4, 5, 6, 8, 9, 10, and 12 in the General Prefatory Statement to this document apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by name of employee, Social Security Number, other ID number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are destroyed upon notification of death or not later than five years after separation or transfer of employee to another agency or department, whichever is applicable in accordance with GRS 18 item 22a.

Additionally, in accordance with HSPD–12, PIV Cards are deactivated within 18 hours of notification regarding cardholder separation, loss of card, or expiration. The information on PIV Cards is maintained in accordance with General Records Schedule 11, Item 4. PIV Cards are destroyed by cross-cut shredding no later than 90 days after deactivation.

SYSTEM MANAGER(S) AND ADDRESS:

The relevant agency head for the applicable component agency within the U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORDS ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

OCFO—DOL Office of the Chief Financial Officer Systems of Records

DOL/OCFO–2

SYSTEM NAME:

New Core Financial Management System (NCFMS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The information is accessed from the following locations:

a. All Departmental component offices in Washington DC;

b. All Departmental component offices in the Regions and the Areas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who receive a payment(s) from an agency/regional finance office, as well as persons who are indebted to DOL. Persons receiving payments include but are not limited to employees, vendors, travelers on official business, grantees, contractors, and consultants. Persons indebted to DOL include but are not limited to persons who have been overpaid, erroneously and/or improperly paid, as well as persons who have received from DOL goods or services for which there is a charge or fee (*e.g.,* Freedom of Information Act requesters).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, identification number (Taxpayer Identification Number or other identifying number), address, phone number, email address, financial account information, purpose of payment, accounting classification, amount to be paid, date and amount paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The records are an integral part of the accounting system at the principal operating location, agency regional offices, and specific area locations. The system uses these records to keep track of all commitments, obligations, and payments to individuals, exclusive of salaries and wages. When an individual is to repay funds advanced, the records could be used to establish a receivable record and to track repayment status. In the event of an overpayment to an individual, the record is used to establish a receivable record for recovery of the amount claimed. The records are also used internally to develop reports to the U. S. Department of Treasury and applicable state and local taxing officials of taxable income. This is a Department-wide notice of payment and collection activities at all locations listed under System Locations above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Transmittal of the records to the U.S. Treasury to effect issuance of payments to payees.

b. Pursuant to section 13 of the Debt Collection Act of 1982, the name, address(es), telephone number(s), identification number (Taxpayer Identification Number or other identifying number), as well as nature, amount and history of debts of an individual may be disclosed to private debt collection agencies for the purpose of collecting or compromising a debt existing in this system.

c. Information may be forwarded to the Department of Justice as prescribed in the Joint Federal Claims Collection Standards (4 CFR Chapter II) for the purpose of determining the feasibility of enforced collection, by referring the cases to the Department of Justice for litigation.

d. Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information relating to the implementation of the Debt Collection Act of 1982 may be disclosed to other Federal Agencies to effect salary or administrative offsets.

e. Information contained in the system of records may be disclosed to the Internal Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write off a Federal claim against the taxpayer.

f. Information may be disclosed to the Internal Revenue Service concerning the discharge of an indebtedness owed by an individual.

g. Information will be disclosed:

i. To credit card companies for billing purposes;

ii. To other Federal agencies for travel management purposes;

iii. To airlines, hotels, car rental companies and other travel related companies for the purpose of serving the traveler. This information will generally include the name, phone number, address, charge card information and itineraries; and/or

iv. To state and local taxing officials informing them of taxable income.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status, and history of overdue debts; the name and address, identification number (Taxpayer Identification Number or other identifying number), and other information necessary to establish the identity of a debtor; and the agency and program under which the claim arose are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f) (Check cite)), in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f) (check cite)) for the purpose of encouraging the repayment of an overdue debt.

Note: Debts incurred by use of the official travel charge card are personal and the charge card company may report account information to credit collection and reporting agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Retrievability varies according to the particular operating accounting system within the Operating Division, Agency, and Regional Office. Computer records may be retrieved by accounting classification, identification number, voucher number, or on any field in the record.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

All records in NCFMS are stored and retained for the life of the system and a minimum of six years and three months.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy CFO of Financial Systems, Office of the Chief Financial Officer, Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed or presented to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager.

RECORD SOURCE CATEGORIES:

Individuals, employees, other DOL systems, other Federal agencies, credit card companies, government contractors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OCFO–3

SYSTEM NAME:

Travel and Transportation System

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. All component offices in Washington, DC;

b. Regional and area offices of the components.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who travel in an official capacity for the Department of Labor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various records are created and maintained in support of official travel. The forms or succeeding forms may include the following:

DL 1–33 Travel Authorization
SF 1038 Advance of Funds Application and Account
SF 1012 Travel Voucher
DL 1–2024 Request and Authorization for Exception From Standard Contract Terms for City-Pair Service
DL 1–289 Request for Approval of GSA Vehicle Option or Exemption
DL 1–473 Employment Agreement for Transfers Within the Continental U.S.
DL 1–474 Employment Agreement for Persons Assigned to Posts Outside the Continental U.S.
DL–1–2030 Estimated PCS Travel and Transportation Data for Travel Authorization
DL–1–2031 Claim Form for Payment of Relocation Income Tax Allowance
DL–1–2032 Covered Taxable Reimbursements
DL–1–2033R Withholding Tax Allowance, Summary of Transactions, Withholding of Taxes, and W–2 Reporting
DL 1–472 Employee Application for Reimbursement of Expenses Incurred in Sale or Purchase (or both) of Residence Upon Change of Official Station
SF 1164 Claim for Reimbursement for Expenditures on Official Business
DL 1–101 Training Authorization and Evaluation Form
DL 1–478 Administrative Exception to Travel Claim
DL 1–423 Expense Record for Temporary Quarters
SF 1169 Government Transportation Request (will be phased out within next 5 years)

Telephone charge cards.

As a result of travel, individuals may become indebted to the Government. Records used to cure these claims include: Consumer credit reports, information or records relating to the debtor's current whereabouts, assets, liabilities, income and expenses, debtor's personal financial statements, and other information such as the nature, amount and history of the debt, and other records and reports relating to the implementation of the Debt Collection Act of 1982, including any investigative reports or administrative review matters.

Individuals expecting to travel at least two times per year are required to have charge cards provided by Government contract. Besides the application for such cards, records created include transaction, payment and account status data.

Travel arrangement services are also available by Government contract. Records include traveler's profile containing name of individual, social security number, home and office telephones, agency's name, address, and telephone number, air travel preference, rental car identification number and preference of car, hotel preference, current passport and/or visa number, personal credit card numbers, and additional information; travel authorization; and monthly reports from travel agent(s) showing charges to individuals, balances, and other types of account analyses. Permanent change of station travel arrangements may include information about real estate and movement of household goods. To provide more efficient processing of travel documents, travel document processing software will be used by employees to record travel planning information, expenses incurred, traveler/employer identification information (SSN, and other identifying information used in conjunction with the purposes of the software), user ID's, passwords, electronic signatures, routing lists and other information used by the system to track and process travel documentation.

Vendors and contractors provide to the Department itemized statements of invoices, and reports of transactions including refunds and adjustments to enable audits of charges to the Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

41 CFR part 101–7 (check cite) (Federal Travel Regulations); interpret or apply 31 U.S.C. 3511, 3512, and 3523; 31 U.S.C. 3711 *et seq.* (Debt Collection Act of 1982); section 206 of Executive Order 11222 (May 8, 1965); 5 CFR 735.207 (check cite) (Office of Personnel Management Regulations).

PURPOSE(S):

To facilitate performance of official Government travel by documenting the authorization of travel; payment of advances; payment of claims, invoices, vouchers, judgments; debts created by advance payments and overpayments; provision and use of government contractor-issued charge cards; and to make travel arrangements.

Data received from a charge card company under government contract will be used to perform responsibilities under section 206 of Executive Order 11222 (May 8, 1965) and 5 CFR 735.207 (Check the cite) (Office of Personnel Management Regulations) concerning requirements for employees to pay their just financial obligations in a proper and timely manner. Reports will also be monitored to ensure that the charge cards are used only in the course of official travel as required by the contract. Data will also be analyzed to permit more efficient and cost effective travel planning and management, including negotiated costs of transportation, lodging, subsistence and related services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Transmittal of data to the U.S. Treasury to effect issuance of checks and Electronic Funds Transfer (EFT) payments to payees.

b. Information may be forwarded to the Department of Justice as prescribed in the Joint Federal Claims Collection Standards (4 CFR Chapter II). When debtors fail to make payment through normal collection routines, the files are analyzed to determine the feasibility of enforced collection by referring the cases to the Department of Justice for litigation.

c. Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information relating to the implementation of the Debt Collection Act of 1982 may be disclosed to other Federal Agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States.

d. Information contained in the system of records may be disclosed to the Internal Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write off a Federal claim against the taxpayer.

e. Information may be disclosed to the Internal Revenue Service concerning the discharge of an indebtedness owed by an individual, or other taxable benefits received by the employee.

f. Information will be disclosed:

i. To credit card companies for billing purposes;

ii. To Departmental and other Federal agencies such as GSA for travel management purposes;

iii. To airlines, hotels, car rental companies, travel management centers and other travel related companies for the purpose of serving the traveler. This information will generally include the name, phone number, addresses, charge card information and itineraries.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status, and history of overdue debts; the name and address, taxpayer identification number (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

Note: Debts incurred by use of the official travel charge card are personal and the charge card company may report account information to credit collection and reporting agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name and/or social security number of traveler or by travel document number at each location.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for 6 years or 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Chief Financial Officer, Travel Management Division, Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORDS ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Individuals, employees, other Federal agencies, consumer reporting agencies, credit card companies, government contractors, state and local law enforcement.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

ODEP—DOL Office of Disability Employment Policy Systems of Records

DOL/ODEP–1

SYSTEM NAME:

Job Accommodation Network (JAN) Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Job Accommodation Network, West Virginia University, P.O. Box 6080, Morgantown, West Virginia, 26505–6080.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with disabilities, employers and the general public who request information through the JAN system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Caller's name, address, telephone number, type of disability, functional limitations caused by the disability, accommodations discussed, type of firm or organization for whom the caller works, and anecdotal information recorded by the human factors consultant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The Job Accommodation Network (JAN) provides free expert and confidential one-on-one technical assistance to the general public via phone, email and Web chat. JAN also provides online resources and publications, as well as in-person and Web-based trainings to private and federal sector employers; people with disabilities, including disabled veterans; employment service providers; and educational institutions regarding individualized job accommodations and workplace strategies for job applicants and employees with disabilities. JAN offers guidance on the Americans with Disabilities Act (ADA) and other disability-related legislation and self-employment and entrepreneurship options for people with disabilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, relevant information may be disclosed to employers for the purpose of hiring individuals with disabilities and/or for enabling the employers to accommodate employees with disabilities.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically.

RETRIEVABILITY:

Files are retrieved by caller's name, state, date, and case file identifying number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data.

RETENTION AND DISPOSAL:

Records are retained permanently on the file server with access by program personnel only.

SYSTEM MANAGER(S) AND ADDRESS:

The Systems Manager is the Project Director of the Job Accommodation Network, West Virginia University, P.O. Box 6080, Morgantown, WV 26506–6080.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the Office of Disability Employment Policy, 200 Constitution Ave. NW., Washington, DC 20210 or to the Freedom of Information Act/Privacy Act Coordinator, at U.S. Department of

Labor/Office of Disability Employment Policy, 200 Constitution Avenue NW., Washington, DC 20210.

RECORDS ACCESS PROCEDURES:

A request for access should be mailed to Assistant Secretary for Disability Employment Policy at the above addresses.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual participants in the JAN system.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ODEP–2

SYSTEM NAME:

Workforce Recruitment Program for College Students with Disabilities (WRP) Database.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Disability Employment Policy, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–1303, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

College students and recent graduates with disabilities who have interviewed with a WRP recruiter on or through a college campus.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's name, address, telephone number, email address, college, major, minor, credits earned, degree sought, graduation date, Grade Point Average, job preference categories, appointment type, job location preference, type of disability, job accommodation information, resume, transcripts, recruiter's summary of student's interview and ratings, veteran status, Schedule A eligibility, security clearance status and type, age, gender, and race/ethnicity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide federal and private sector employers a database resource of college students and recent graduates with disabilities from which to identify qualified temporary and permanent employees in a variety of fields.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, relevant information concerning student interviewees may be disclosed to interested federal and private sector employers. Accommodation information concerning interviewees is disclosed to interested federal employers but not to private sector employers.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by candidate's name, system generated unique identification number, school attended, academic major keyword, graduation date, veteran status, interview notes and resume keyword, location preference, appointment type, degree program, and job preference category.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

The application materials are retained in a secure, online database for one year from date of the interview through December of the next year.

SYSTEM MANAGER(S) AND ADDRESS:

The System Manager is the WRP Project Manager, Office of Disability Employment Policy, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed or presented in writing to the System Manager at the address listed above.

RECORDS ACCESS PROCEDURES:

Individuals wishing to gain access shall write to the Office of Disability Employment Policy at the above address or to request access to the database can register at *www.wrp.gov.*

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager.

RECORD SOURCE CATEGORIES:

College students and recent graduates with disabilities who have participated in an interview with a WRP recruiter.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OFCCP—DOL Office of Federal Contract Compliance Programs Systems of Records

OFCCP–1

SYSTEM NAME:

Office of Federal Contract Compliance Programs, Executive Management Information System (OFCCP/EIS) which includes the Case Management System (CMS), and Time Reporting Information System (TRIS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

OFCCP, Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; Six Regional Offices, see the Appendix to this document for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints with OFCCP of employment discrimination by Federal Contractors and Compliance Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing of hours utilized to perform OFCCP program responsibilities. Listing of complaints filed by individuals alleging employment and listing of hours utilized to perform OFCCP program responsibilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246, as amended; the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212; section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793.

PURPOSE(S):

The Case Management System is the data entry portion of OFCCP's core case management and management information system. OFCCP Executive Information System (OFEIS) makes up the reporting side of the total system. The Office of Contract Compliance Programs Case Management System (OFCMS) provides the umbrella under which numerous applications can be accessed. The purposes of the systems are: To track and monitor, by means of an automated database, complaint investigations of employment discrimination by Federal contractors. To provide OFCCP Managers with a viable means of tracking the number of hours used in performing OFCCP program responsibilities. To track the number of hours utilized by compliance officers in performing their assigned program duties and responsibilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of the complainant, OFCCP control number, contractor establishment name and number. By identification numbers assigned to each compliance officer.

SAFEGUARDS:

Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

All data in the OFCCP Information System is a permanent record. In accordance with the agency records schedule, data is to be transferred to NARA every five calendar years in a format acceptable to NARA at the time of transfer [OFCCP Records Schedule N1–448–01–02, Item 9(a)].

SYSTEM MANAGER(S) AND ADDRESS:

Director, OFCCP, Room C–3325, 200 Constitution Avenue NW., Washington, DC 20210; Regional Directors for OFCCP, see Appendix I to this document for Addresses.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from OFCCP personnel working in district and regional offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of the source would be held in confidence.

OFCCP–2

SYSTEM NAME:

Office of Federal Contract Compliance Programs Complaint Case Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Federal Contract Compliance Programs (OFCCP), 200 Constitution Avenue NW., Washington, DC 20210, and OFCCP Regional and District Offices (see the Appendix to this document for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, classes of individuals or representatives authorized to act on behalf of individuals or classes of individuals who have filed complaints of discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records, investigative reports and materials, complaints, contract coverage information, employment applications, time and attendance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246, as amended; the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793.

PURPOSE(S):

To maintain information that is used to investigate and to resolve complaints of discrimination filed by individuals under Executive Order 11246, as amended; the Veteran Era Veterans' Readjustment Assistance Act of 1974, amended, 38 U.S.C. 4212; and section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:

Files may be disclosed to:

a. The Equal Employment Opportunity Commission, Department of Justice, or other Federal, State or local agencies with jurisdiction over a complaint, when relevant and necessary for investigatory, conciliation or enforcement purposes;

b. Federal contractors and subcontractors against whom a complaint is filed, including providing a copy of the complaint or a summary for purposes of notice;

c. A physician or medical provider records or information for the purpose of evaluating the complaint or medical records in cases involving complaints of discrimination on the basis of disability.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name or OFCCP control number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

a. Copies of complaints referred to EEOC and other agencies for disposition under Title VII of the Civil Rights Act of 1964—Maintain in the office and destroy one calendar year after referral [OFCCP Records Schedule N1–448–01–02, Item 32(b)].

b. Records of complaints determined to be within the jurisdiction of OFCCP and investigated of OFCCP—Retain in active files until case is resolved. Retire to inactive files for a period of four calendar years in case of an appeal of findings in the case. Maintain in the office and destroy four calendar years after case is resolved [OFCCP Records Schedule N1–448–01–02, Item 32(c)].

c. All cases that are recommended for administrative enforcement under the jurisdiction of Executive Order 11246, as amended, the Rehabilitation Act of 1973, as amended, and Vietnam Era Veterans' Readjustment Assistance Act of 1974 or the Civil Rights Act of 1964—Retain in active files until case is resolved. Retire to inactive files for a period of four calendar years in case of an appeal of findings in the case. Maintain in the office and destroy four calendar years after case is resolved [OFCCP Records Schedule N1–448–01–02, Item 32(d)].

SYSTEM MANAGER(S) AND ADDRESS:

Director for Federal Contract Compliance, 200 Constitution Avenue NW., Washington, DC 20210; Regional Directors for OFCCP, see The Appendix to this document for addresses.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual and class action complainants, employers, co-workers, witnesses, State rehabilitation agencies, physicians, and other health care providers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system contains complaints and investigative files compiled during the course of complaint investigations and compliance reviews. In accordance with paragraph (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), these files have been exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Act. The disclosure of information contained in these files may in some circumstances discourage non-management persons who have knowledge of facts and circumstances pertinent to charges from giving statements or cooperating in investigations.

OIG—DOL Office of Inspector General Systems of Records

DOL/OIG–2

SYSTEM NAME:

Freedom of Information Act/Privacy Act Records.

SECURITY CLASSIFICATION:

None but sensitive information used for law enforcement purposes.

SYSTEM LOCATION:

Freedom of Information Act/Privacy Act Disclosure Office, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request access to, and copies of, records pursuant to the Freedom of Information Act (FOIA); persons who request access to, copies of, or correction of records pertaining to themselves pursuant to the Privacy Act; where applicable, persons about whom records have been requested or about whom information is contained in requested records; and persons representing those individuals identified above.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains (a) copies of all correspondence, memoranda, and other documents related to FOIA and Privacy Act requests, and related records necessary to the processing of such requests; (b) copies of all documents relevant to appeals and other litigation under the FOIA and the Privacy Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. App. 3; Freedom of Information Act, 5 U.S.C. 552; Privacy Act, 5 U.S.C. 552a, and; 29 CFR parts 70 and 71.

PURPOSE(S):

This system of records is maintained in order to reflect the identity of requesters, the substance of each request, the responses made by the Office of Inspector General (OIG), and compliance with the disclosure and reporting requirements of the FOIA and the Privacy Act. Materials within this system also reflect the reasons for the disclosure and/or denial of requests, or portions of requests, and any further action on requests which may be appealed and/or litigated.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether civil, criminal or administrative, and whether arising from general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state, or local agency or professional organization, charged with responsibility for investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order.

b. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant to either a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

c. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional, or licensing authority when such record relates to qualifications, including moral, educational or vocational qualifications, of an individual seeking to be licensed or to maintain a license.

d. Disclosure to a contractor, grantee, or other direct or indirect recipient of federal funds. A record from a system of records may be disclosed, as a routine use, to any direct or indirect recipient of federal funds where such record reflects inadequacies with respect to a recipient's activities, organization, or personnel, and disclosure of the record is made to permit the recipient to take corrective action beneficial to the Government.

e. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or other matters related to the responsibilities of the OIG. A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or other matters related to the responsibilities of the OIG.

f. Disclosure for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign, or international agency, for their use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter, or to solicit information from the federal, state, local, foreign, or international agency, for the OIG's use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit.

g. Disclosure to an entity hearing a contract protest or dispute. A record from a system of records may be disclosed, as a routine use, to the United States Government Accountability Office, a Board of Contract Appeals, the

Court of Federal Claims, or other court or tribunal, in connection with bid protest cases or contract dispute cases.

h. Disclosure to Office of Management and Budget (OMB) or Department of Justice (DOJ) regarding Freedom of Information Act and Privacy Act advice. Information from a system of records may be disclosed, as a routine use, to OMB or DOJ in order to obtain advice regarding statutory and other requirements under the FOIA or Privacy Act.

i. Disclosure to the Department of the Treasury (Treasury) and DOJ in pursuance of an *ex parte* court order to obtain taxpayer information from the IRS. A record from a system of records may be disclosed, as a routine use, to Treasury and DOJ when the OIG seeks an *ex parte* court order to obtain taxpayer information from the Internal Revenue Service.

j. Disclosure to a consumer reporting agency in order to obtain relevant investigatory information. A record from a system of records may be disclosed, as a routine use, to a "consumer reporting agency" as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purposes of obtaining information in the course of an investigation, or other matters related to the responsibilities of the OIG.

k. Disclosure in accordance with computer matching laws, regulations, and/or guidelines. A record may be disclosed to a federal, state, or local agency for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by those agencies, to support civil and criminal law enforcement activities of those agencies and their components, and to collect debts and overpayments owed to the agencies and their components. This routine use does not provide unrestricted access to records for such law enforcement and related anti-fraud activities; each request for disclosure will be considered in light of the applicable legal and administrative requirements of a computer matching program or procedure.

l. Disclosure to any law enforcement agency for inclusion in a database, system, or process. A record from a system of records may be disclosed, as a routine use, to any law enforcement agency for inclusion in a database, system, or process designed to generate investigative leads and information to be used for law enforcement purposes. This routine use also permits the disclosure of such records to any law enforcement agency with responsibility for investigating any investigative leads or information generated by the database, system, or other process in which the records were included.

m. Disclosure to any inspector general, receiver, trustee, or other overseer of any entity with respect to matters within the investigative jurisdiction of the United States Department of Labor (DOL) or the DOL OIG. A record from this system of records may be disclosed to any individual or entity with responsibility for oversight or management of any entity with respect to matters within the investigative jurisdiction of the DOL or the DOL OIG. This would include, but not be limited to, any receiver, trustee, or established inspector general, whether court appointed or otherwise, that has been duly granted authority for oversight of an entity with respect to matters within the investigative authority of the DOL or the DOL OIG.

n. Information may be disclosed to complainants and victims to the extent necessary to provide them with information concerning the process or results of the investigation or case arising from the matter about which they complained or were the victim.

o. Information may be disclosed to other Federal Offices of Inspector General and/or to the Council of the Inspectors General on Integrity and Efficiency for purposes of conducting the external review process required by the Homeland Security Act.

p. Disclosure to appropriate agencies, entities and persons when: (1) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) it has been determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DOL or another agency or entity) that rely upon the compromised information, and; (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DOL's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy any harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Records from this system are not disclosed to consumer reporting agencies for credit rating or related purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper. The records in this system are maintained in an electronic system and paper file system in a locked office.

RETRIEVABILITY:

Files are retrieved by the name of the individual or by the case file numbers.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the schedules approved by the National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Disclosure Officer, Office of Inspector General, U.S. Department of Labor, Room S1303, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the persons or entities making requests, from the systems of records searched to respond to requests, and from other agencies referring requests for access or correction of records originating in the Office of Inspector General.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records obtained and stored in this system may originate from other systems of records which have been exempted under the provisions of FOIA and the Privacy Act, and these records are exempt under this system to the same extent as the systems of records from which they were obtained.

DOL/OIG–5

SYSTEM NAME:

Audit Information Reporting Team Tech TEX Tracking System, within the Workpaper Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington DC 20210; OIG regional and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Office of Inspector General (OIG) Office of Audit staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records or information contained in the system include: Employee name, position, projects assigned to employee, work and leave hours, workflow, case tracking data, and statistical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.

PURPOSE(S):

This system is maintained in order to track and monitor the audit projects and other matters assigned to OIG audit staff, to document auditors' work and leave hours and travel expenses, and to run statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether civil, criminal or administrative, and whether arising from general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state, or local agency or professional organization, charged with responsibility for investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order.

b. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant to either a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

c. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional, or licensing authority when such record relates to qualifications, including moral, educational or vocational qualifications, of an individual seeking to be licensed or to maintain a license.

d. Disclosure to a contractor, grantee, or other direct or indirect recipient of federal funds. A record from a system of records may be disclosed, as a routine use, to any direct or indirect recipient of federal funds where such record reflects inadequacies with respect to a recipient's activities, organization, or personnel, and disclosure of the record is made to permit the recipient to take corrective action beneficial to the Government.

e. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or other matters related to the responsibilities of the OIG. A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or other matters related to the responsibilities of the OIG.

f. Disclosure for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign, or international agency, for their use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter, or to solicit information from the federal, state, local, foreign, or international agency, for the OIG's use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit.

g. Disclosure to an entity hearing a contract protest or dispute. A record from a system of records may be disclosed, as a routine use, to the United States Government Accountability Office, a Board of Contract Appeals, the Court of Federal Claims, or other court or tribunal, in connection with bid protest cases or contract dispute cases.

h. Information may be disclosed to other Federal Offices of Inspector General and/or the Council of Inspectors General on Integrity and Efficiency (CIGIE) for purposes of conducting the external review process required by the Homeland Security Act.

j. Disclosure to appropriate agencies, entities and persons when: (1) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) it has been determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information, and; (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy any harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Records from this system are not disclosed to consumer reporting agencies for credit rating or related purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by individual name(s) or project/case name/case number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the schedules approved by the National Archives and Records Administration (NARA).

SYSTEM MANAGERS AND ADDRESS:

Assistant Inspector General for Audit, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this System is obtained from activity supervisors, and audit personnel assigned to directly input work hours and leave associated with audit project activity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OIG–6

SYSTEM NAME:

Hotline and Complaints Analysis Files.

SECURITY CLASSIFICATION:

Unclassified but sensitive information used for law enforcement purposes.

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Complainants, federal and other public employees, contractors and subcontractors, grantees and subgrantees, benefits claimants, alleged violators of federal, state, and local laws, regulations and policies, union officers, trustees of benefit plans, and employers.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records of complaints and allegations of waste, fraud, abuse, and violations of laws, regulations, and policies; complaint letters; referrals to federal, state, and local agencies; tracking information regarding referrals; summary information for indexing and cross referencing; reports and associated materials filed with the Department of Labor (DOL) or other government agencies from medical providers, grantees, contractors, employers, insurance companies, and other sources; other evidence and background material relating to complaints existing in any form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.

PURPOSE(S):

This system is established and maintained to fulfill the purposes of the Inspector General Act of 1978, as amended, and to fulfill the responsibilities assigned by that Act concerning receipt of complaints and other information from which audits, investigations, inspections, and evaluations may develop. The OIG initiates investigations, audits, inspections, and evaluations of individuals, entities and programs. This system is the repository of complaint information documented and reviewed for investigative merit, referral for investigation, referral for auditing, referral to DOL program agencies or other public agencies, or no action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether civil, criminal or administrative, and whether arising from general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state, or local agency or professional organization, charged with responsibility for investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order.

b. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant to either to a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

c. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional, or licensing authority when such record relates to qualifications, including moral, educational or vocational qualifications, of an individual seeking to be licensed or to maintain a license.

d. Disclosure to a contractor, grantee, or other direct or indirect recipient of federal funds. A record from a system of records may be disclosed, as a routine use, to any direct or indirect recipient of federal funds where such record reflects inadequacies with respect to a recipient's activities, organization, or personnel, and disclosure of the record is made to permit the recipient to take corrective action beneficial to the Government.

e. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or other matters related to the responsibilities of the Office of Inspector General (OIG). A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or other matters related to the responsibilities of the OIG.

f. Disclosure for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign, or international agency, for their use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter, or to solicit information from the federal, state, local, foreign, or international agency, for the OIG's use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit.

g. Disclosure to an entity hearing a contract protest or dispute. A record from a system of records may be disclosed, as a routine use, to the United States Government Accountability Office, a Board of Contract Appeals, the Court of Federal Claims, or other court or tribunal, in connection with bid protest cases or contract dispute cases.

h. Disclosure to the Office of Management and Budget (OMB) or Department of Justice (DOJ) regarding Freedom of Information Act (FOIA) and Privacy Act advice. Information from a system of records may be disclosed, as a routine use, to OMB or DOJ in order to obtain advice regarding statutory and other requirements under the FOIA or Privacy Act.

i. Disclosure to the Department of the Treasury (Treasury) and DOJ in pursuance of an *ex parte* court order to obtain taxpayer information from the IRS. A record from a system of records may be disclosed, as a routine use, to Treasury and DOJ when the OIG seeks an *ex parte* court order to obtain taxpayer information from the Internal Revenue Service.

j. Disclosure to a consumer reporting agency in order to obtain relevant investigatory information. A record from a system of records may be disclosed, as a routine use, to a "consumer reporting agency" as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purposes of obtaining information in the course of an investigation, or other matters related to the responsibilities of the OIG.

k. Disclosure in accordance with computer matching laws, regulations, and/or guidelines. A record may be disclosed to a federal, state, or local agency for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by those agencies, to support civil and criminal law enforcement activities of those agencies and their components, and to collect debts and overpayments owed to the agencies and their components. This routine use does not provide unrestricted access to records for such law enforcement and related anti-fraud activities; each request for disclosure will be considered in light of the applicable legal and administrative requirements of a computer matching program or procedure.

l. Disclosure to any law enforcement agency for inclusion in a database, system, or process. A record from a system of records may be disclosed, as a routine use, to any law enforcement agency for inclusion in a database, system, or process designed to generate investigative leads and information to be used for law enforcement purposes. This routine use also permits the disclosure of such records to any law enforcement agency with responsibility for investigating any investigative leads or information generated by the database, system, or other process in which the records were included.

m. Disclosure to any inspector general, receiver, trustee, or other overseer of any entity with respect to matters within the investigative jurisdiction of DOL or the DOL OIG. A record from this system of records may be disclosed to any individual or entity with responsibility for oversight or management of any entity with respect to matters within the investigative jurisdiction of DOL or the DOL OIG. This would include, but not be limited to, any receiver, trustee, or established inspector general, whether court appointed or otherwise, that has been duly granted authority for oversight of an entity with respect to matters within the investigative authority of DOL or the DOL OIG.

n. Information may be disclosed to complainants and victims to the extent necessary to provide them with information concerning the process or results of the investigation or case arising from the matter about which they complained or were the victim.

o. Information may be disclosed to other Federal Offices of Inspector General and/or to the President's Council of the Inspectors General on Integrity and Efficiency for purposes of conducting the external review process required by the Homeland Security Act.

p. Disclosure to appropriate agencies, entities and persons when: (1) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) it has been determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information, and; (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DOL's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy any harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Records from this system are not disclosed to consumer reporting agencies for credit rating or related purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OR RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Paper files are retrieved by case number. Electronic files are retrieved by case number, case name, subject, cross referenced item, or batch retrieval applications.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the schedules approved by the National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Counsel to the Inspector General, Office of Legal Services, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual complainants and other individuals possessing relevant information, Federal, state and local government records, individual and company records, court records, publicly available articles, Web sites, financial data, corporate information, and other sources that may arise.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Secretary of Labor has promulgated regulations which exempt information contained in this system of records from various provisions of the Privacy Act depending upon the purpose for which the information was gathered and for which it will be used. The various law enforcement purposes and the reasons for the exemptions are as follows:

a. Criminal Law Enforcement: In accordance with 5 U.S.C. 552a(j)(2), information compiled for this purpose is exempt from all of the provisions of the Privacy Act except the following sections: (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). This material is exempt because the disclosure and other requirements of the Privacy Act would substantially compromise the efficacy and integrity of OIG operations in a number of ways. The disclosure of even the existence of these files would be problematic. Disclosure could enable suspects to take action to prevent detection of criminal activities, conceal evidence, or escape prosecution. Required disclosure of information contained in this system could lead to the intimidation of, or harm to, informants, witnesses and their respective families or OIG personnel and their families. Disclosure could invade the privacy of individuals other than subjects and disclose their identity when confidentially was promised or impliedly promised to them. Disclosure could interfere with the integrity of information which would otherwise be privileged (see, *e.g.*, 5 U.S.C. 552(b)(5)), and which could interfere with the integrity of other important law enforcement concerns: (see, *e.g.*, 5 U.S.C. 552(b)(7)).

The requirement that only relevant and necessary information be included in a criminal investigative file is contrary to investigative practice which requires a full and complete inquiry and exhaustion of all potential sources of information. See, 5 U.S.C. 552a(e)(1).

Similarly, maintaining only those records which are accurate, relevant, timely and complete and which assure fairness in a determination is contrary to established investigative techniques. See, 5 U.S.C. 552a(e)(5). Requiring investigators to obtain information to the greatest extent practicable directly from the subject individual also would be counter-productive to the thorough performance of clandestine criminal investigations. See, 5 U.S.C. 552a(e)(2). Finally, providing notice to an individual interviewed of the authority of the interviewer, the purpose which the information provided may be used, the routine uses of that information, and the effect upon the individual should he/she choose not to provide the information sought, could discourage the free flow of information in a criminal law enforcement inquiry. 5 U.S.C. 552a(e)(3).

b. Other law enforcement: In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes (to the extent it is not already exempted by 5 U.S.C. 552a(j)(2)), is exempted from the following provisions of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). This material is exempt because the disclosure and other requirements of the Act could substantially compromise the efficacy and integrity of OIG operations. Disclosure could invade the privacy of other individuals and disclose their identity when they were expressly promised confidentiality. Disclosure could interfere with the integrity of information which would otherwise be subject to privileges, see *e.g.*, 5 U.S.C. 552(b)(5) and which could interfere with other important law enforcement concerns. See, *e.g.*, 5 U.S.C. 552(b)(7).

c. Contract Investigations: In accordance with 5 U.S.C. 552a(k)(5), investigatory material compiled solely for the purpose of determining integrity, suitability, eligibility, qualifications, or employment under a DOL contract is exempt from the following sections of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f). This exemption was obtained in order to protect from disclosure the identity of confidential sources when an express promise of confidentiality has been given in order to obtain information from sources that would otherwise be unwilling to provide necessary information.

DOL/OIG–7

SYSTEM NAME:

Correspondence Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress and Congressional staff members; individuals who correspond with, or otherwise contact, the Office of Inspector General (OIG), and OIG staff assigned to process and handle such correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records of correspondence to and from the OIG, via letter, email, fax, or other media, and any associated records or attachments provided by the correspondent or included with the response provided by the OIG.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.

PURPOSE(S):

This system is established and maintained to fulfill the purposes of the Inspector General Act of 1978, as amended, regarding audits, investigations, inspections, evaluations, and other oversight of Department of Labor (DOL) programs and operations, and to report to and be responsive to inquiries and other input from the public and from Congressional Committees and Members. This system is the repository of correspondence to and from the OIG, the public, and Congressional Committees and Members, and includes complaints and referrals reviewed for response by the OIG, which may include full investigation, referral for auditing, referral for DOL program agency action, or no action. The system files maintain information from the time the correspondence has been received until the correspondence file has been closed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether civil, criminal or administrative, and whether arising from general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state, or local agency or professional organization, charged with responsibility for investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order.

b. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant to either to a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

c. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional, or licensing authority when such record relates to qualifications, including moral, educational or vocational qualifications, of an individual seeking to be licensed or to maintain a license.

d. Disclosure to a contractor, grantee, or other direct or indirect recipient of federal funds. A record from a system of records may be disclosed, as a routine use, to any direct or indirect recipient of federal funds where such record reflects inadequacies with respect to a recipient's activities, organization, or personnel, and disclosure of the record is made to permit the recipient to take corrective action beneficial to the Government.

e. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or other matters related to the responsibilities of the OIG. A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or other matters related to the responsibilities of the OIG.

f. Disclosure for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign, or international agency, for their use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter, or to solicit information from the federal, state, local, foreign, or international agency, for the OIG's use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit.

g. Disclosure to an entity hearing a contract protest or dispute. A record from a system of records may be disclosed, as a routine use, to the United States Government Accountability Office, a Board of Contract Appeals, the Court of Federal Claims, or other court or tribunal, in connection with bid protest cases or contract dispute cases.

h. Disclosure to the Office of Management and Budget (OMB) or Department of Justice (DOJ) regarding Freedom of Information Act (FOIA) and Privacy Act advice. Information from a system of records may be disclosed, as a routine use, to the OMB or DOJ in order to obtain advice regarding statutory and other requirements under the FOIA or Privacy Act.

i. Disclosure to a consumer reporting agency in order to obtain relevant investigatory information. A record from a system of records may be disclosed, as a routine use, to a "consumer reporting agency" as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purposes of obtaining information in the course of an investigation, or other matters related to the responsibilities of the OIG.

j. Disclosure in accordance with computer matching laws, regulations, and/or guidelines. A record may be disclosed to a federal, state, or local agency for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by those agencies, to support civil and criminal law enforcement activities of those agencies and their components, and to collect debts and overpayments owed to the agencies and their components. This routine use does not provide unrestricted access to records for such law enforcement and related anti-fraud activities; each request for disclosure will be considered in light of the applicable legal and administrative requirements of a computer matching program or procedure.

k. Disclosure to any inspector general, receiver, trustee, or other overseer of any entity with respect to matters within the investigative jurisdiction of the DOL or the DOL OIG. A record from this system of records may be disclosed to any individual or entity with responsibility for oversight or management of any entity with respect to matters within the investigative jurisdiction of DOL or the DOL OIG. This would include, but not be limited to, any receiver, trustee, or established inspector general, whether court appointed or otherwise, that has been duly granted authority for oversight of an entity with respect to matters within the investigative authority of DOL or the DOL OIG.

l. Information may be disclosed to complainants and victims to the extent necessary to provide them with information concerning the process or results of the investigation or case arising from the matter about which they complained or were the victim.

m. Disclosure to appropriate agencies, entities and persons when (1) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) it has been determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DOL or another agency or entity) that rely upon the compromised information, and; (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DOL's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy any harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Records from this system are not disclosed to consumer reporting agencies for credit rating or related purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OR RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name and case number, and are retrieved by case number, correspondent's name, subject, or cross referenced item.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the schedules approved by the National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Management and Policy, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from correspondence received from Congressional offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Secretary of Labor has promulgated regulations which exempt information contained in this system of records from various provisions of the Privacy Act depending upon the purpose for which the information was gathered and for which it will be used. The various law enforcement purposes and the reasons for the exemptions are as follows:

a. Criminal Law Enforcement: In accordance with 5 U.S.C. 552a(j)(2), information compiled for this purpose is exempt from all of the provisions of the Privacy Act except the following sections: (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). This material is exempt because the disclosure and other requirements of the Privacy Act would substantially compromise the efficacy and integrity of OIG operations in a number of ways. The disclosure of even the existence of these files would be problematic. Disclosure could enable suspects to take action to prevent detection of criminal activities, conceal evidence, or escape prosecution. Required disclosure of information contained in this system could lead to the intimidation of, or harm to, informants, witnesses and their respective families or OIG personnel and their families. Disclosure could invade the privacy of individuals other than subjects and disclose their identity when confidentially was promised or impliedly promised to them. Disclosure could interfere with the integrity of information which would otherwise be privileged (see, *e.g.*, 5 U.S.C. 552(b)(5)), and which could interfere with the integrity of other important law enforcement concerns. (see, *e.g.*, 5 U.S.C. 552(b)(7)).

The requirement that only relevant and necessary information be included in a criminal investigative file is contrary to investigative practice which requires a full and complete inquiry and exhaustion of all potential sources of information. See, 5 U.S.C. 552a(e)(1).

Similarly, maintaining only those records which are accurate, relevant, timely and complete and which assure fairness in a determination is contrary to established investigative techniques. See, 5 U.S.C. 552a(e)(5). Requiring investigators to obtain information to the greatest extent practicable directly from the subject individual also would be counter-productive to the thorough performance of clandestine criminal investigations. See, 5 U.S.C. 552a(e)(2). Finally, providing notice to an individual interviewed of the authority of the interviewer, the purpose which the information provided may be used, the routine uses of that information, and the effect upon the individual should he/she choose not to provide the information sought, could discourage the free flow of information in a criminal law enforcement inquiry. 5 U.S.C. 552a(e)(3).

b. Other law enforcement: In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes (to the extent it is not already exempted by 5 U.S.C. 552a(j)(2)), is exempted from the following provisions of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). This material is exempt because the disclosure and other requirements of the Act could substantially compromise the efficacy and integrity of OIG operations. Disclosure could invade the privacy of other individuals and disclose their identity when they were expressly promised confidentiality. Disclosure could interfere with the integrity of information which would otherwise be subject to privileges, see *e.g.*, 5 U.S.C. 552(b)(5) and which could interfere with other important law enforcement concerns. See, *e.g.*, 5 U.S.C. 552(b)(7).

c. Contract Investigations: In accordance with 5 U.S.C. 552a(k)(5), investigatory material compiled solely for the purpose of determining integrity, suitability, eligibility, qualifications, or employment under a DOL contract is exempt from the following sections of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f). This exemption was obtained in order to protect from disclosure the identity of confidential sources when an express promise of confidentiality has been given in order to obtain information from sources that would otherwise be unwilling to provide necessary information.

DOL/OIG–8

SYSTEM NAME:

Office of Inspector General (OIG) Employee Credential System

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Human Resources Division, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Office of Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contained in a personnel database system established to control issuance of credentials to United States Department of Labor (DOL) Office of Inspector General (OIG) personnel. The system contains photographs of all employees and other materials reflecting employees' names, titles, duty locations, credential numbers, and dates of issuance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.

PURPOSE(S):

The credentials file system assists in the issuance and control of official credentials issued to OIG personnel for identification purposes to establish official identification and authority when interacting with the general public, or with other agencies in the performance of official duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether civil, criminal or administrative, and whether arising from general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state, or local agency or professional organization, charged with responsibility for investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order.

b. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant to either to a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

c. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional, or licensing authority when such record relates to qualifications, including moral, educational or vocational qualifications, of an individual seeking to be licensed or to maintain a license.

d. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or other matters related to the responsibilities of the OIG. A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or other matters related to the responsibilities of the OIG.

e. Disclosure for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign, or international agency, for their use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter, or to solicit information from the federal, state, local, foreign, or international agency, for the OIG's use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit.

f. Disclosure to appropriate agencies, entities and persons when (1) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) it has been determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information, and; (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OR RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by employee name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the schedules approved by the National Archives and Records Administration (NARA) *http://www.archives.gov/records-mgmt/grs/index.pdf.*

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Management and Policy, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from OIG employees who are issued official credentials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OIG–9

SYSTEM NAME:

OIG Property Tracking Systems.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals that are assigned custody of the Office of Inspector General (OIG) owned or leased property such as computers, cell phones, vehicles, radios, investigative equiment, firearms, and ammunition.

CATEGORIES OF RECORDS IN THE SYSTEM:

The systems contain records related to OIG owned or leased property, and related to the employees that are assigned such property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. App. 3; Title 41, Federal Management Regulations.

PURPOSE(S):

To identify, monitor, and track all OIG owned or leased property and equipment, its assigned location, the individual assigned custody of the property, and to account for the acquisition and disposal of such property and equipment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether civil, criminal or administrative, and whether arising from general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state, or local agency or professional organization, charged with responsibility for investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order.

b. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant to either to a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

c. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional, or licensing authority when such record relates to qualifications, including moral, educational or vocational qualifications, of an individual seeking to be licensed or to maintain a license.

d. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or other matters related to the responsibilities of the OIG. A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or other matters related to the responsibilities of the OIG.

e. Disclosure for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign, or international agency, for their use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter, or to solicit information from the federal, state, local, foreign, or international agency, for the OIG's use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit.

f. Information may be disclosed to other Federal Offices of Inspector General and/or to the President's Council of the Inspectors General on Integrity and Efficiency for purposes of conducting the external review process required by the Homeland Security Act.

g. Disclosure to appropriate agencies, entities and persons when: (1) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) it has been determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the DOL or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy any harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Records from this system are not disclosed to consumer reporting agencies for credit rating or related purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OR RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by employee name and/or assigned property number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the schedules approved by the National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Management and Policy, and Assistant Inspector General for Labor Racketeering and Fraud Investigations, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from OIG program managers and employees possessing OIG owned and leased property, or employees who are responsible for monitoring such property.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OIG–10

SYSTEM NAME:

Office of Inspector General (OIG) Pre-employment Checks and Inquiries (PECI) System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Human Resources Division, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the U.S. Department of Labor, Office of Inspector General; applicants for employment in the U.S. Department of Labor (DOL), Office of Inspector General (OIG); and individuals considered for access to restricted areas and information, such as contractors hired by the OIG, and contractor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pre-employment clearance forms and reports filed by individuals, and documents related to federal and other law enforcement checks, prior employer checks/references, credit checks, and any other records gathered during the course of the pre-employment process. A paper file is maintained for PECIs that are filed under each individual's name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.; Executive Order 10450.

PURPOSE(S):

The PECI file system is a repository for documentation related to individual personnel determinations for suitability and fitness for Federal employment. The system also documents findings of law enforcement, employment, and credit inquiries, and personnel suitability determinations made by the OIG as a result of official pre-employment inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether civil, criminal or administrative, and whether arising from general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state, or local agency or professional organization, charged with responsibility for investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order.

b. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant to either to a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

c. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional, or licensing authority when such record relates to qualifications, including moral, educational or vocational qualifications, of an individual seeking to be licensed or to maintain a license.

d. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or other matters related to the responsibilities of the OIG. A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or other matters related to the responsibilities of the OIG.

e. Disclosure for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign, or international agency, for their use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter, or to solicit information from the federal, state, local, foreign, or international agency, for the OIG's use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit.

f. Disclosure to a consumer reporting agency in order to obtain relevant investigatory information. A record from a system of records may be disclosed, as a routine use, to a "consumer reporting agency" as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purposes of obtaining information in the course of an investigation, or other matters related to the responsibilities of the OIG.

g. Disclosure to any law enforcement agency for inclusion in a database, system, or process. A record from a system of records may be disclosed, as a routine use, to any law enforcement agency for inclusion in a database, system, or process designed to generate investigative leads and information to be used for law enforcement purposes. This routine use also permits the disclosure of such records to any law enforcement agency with responsibility for investigating any investigative leads or information generated by the database, system, or other process in which the records were included.

h. Information may be disclosed to other Federal Offices of Inspector General and/or to the President's

Council of the Inspectors General on Integrity and Efficiency for purposes of conducting the external review process required by the Homeland Security Act.

i. Disclosure to appropriate agencies, entities and persons when: (1) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) it has been determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy any harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OR RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the schedules approved by the National Archives and Records Administration (NARA) *http://www.archives.gov/records-mgmt/grs/index.pdf.*

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Management and Policy, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from: applications and other personnel and security forms furnished by individuals; investigative and other information furnished by Federal agencies, and; from sources such as employers, educational institutions, and credit bureaus.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OIG–11

SYSTEM NAME:

Investigative Case Files and Tracking System, Case Development and Intelligence Records, USDOL/OIG.

SECURITY CLASSIFICATION:

Unclassified but sensitive information used for law enforcement purposes.

SYSTEM LOCATIONS:

Office of Inspector General (OIG), U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; OIG regional and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals associated with OIG investigative operations and activities, including but not limited to: OIG employees, DOL employees, applicants for employment, contractors, subcontractors, grantees, sub-grantees, complainants, individuals threatening the Secretary of Labor or other DOL employees, alleged or suspected violators of federal laws and regulations, union officers, trustees of employee benefit plans, employers, witnesses, individuals filing claims for entitlements or benefits under laws administered by the Department of Labor, and individuals providing medical and other services for the Office of Workers Compensation Programs (OWCP) or for OWCP claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records related to administrative, civil, and criminal investigations, complaints, and case workflow information, including but not limited to: Statements and other information from subjects, targets, witnesses, and complainants; materials obtained from federal, state, local, or international law enforcement or other organizations; intelligence information obtained from various sources; information relating to criminal, civil, or administrative referrals and/or results of investigations or audits; investigative notes and investigative reports; summary information for indexing and cross referencing; reports and associated materials filed with DOL or other government agencies from medical providers, grantees, contractors, employers, insurance companies, or other entities; documents obtained by subpoena, search warrant, or any other means; other evidence and background material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.

PURPOSE(S):

This system is established and maintained to fulfill the purposes of the Inspector General Act of 1978, as amended, and to fulfill the responsibilities assigned by that Act concerning investigative operations and activities. The OIG initiates investigations of individuals, entities, and programs, and this system is the repository of all investigative information developed prior to and during the course of such investigations. This system includes: (1) Records created as a result of external and internal investigations conducted by the OIG; (2) documents relating to targeting, surveys, and other projects related to the development of cases; (3) intelligence information concerning individuals identified as potential violators of federal laws and regulations, and other individuals associated with them; (4) records of complaints which are reviewed for investigative merit; and (5) case agent assignment and work allocation data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether civil, criminal or administrative, and whether arising from general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state, or local agency or professional organization, charged with responsibility for investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order.

b. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant to either a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

c. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional, or licensing authority when such record relates to qualifications, including moral, educational or vocational qualifications, of an individual seeking to be licensed or to maintain a license.

d. Disclosure to a contractor, grantee, or other direct or indirect recipient of federal funds. A record from a system of records may be disclosed, as a routine use, to any direct or indirect recipient of federal funds where such record reflects inadequacies with respect to a recipient's activities, organization, or personnel, and disclosure of the record is made to permit the recipient to take corrective action beneficial to the Government.

e. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or other matters related to the responsibilities of the OIG. A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or other matters related to the responsibilities of the OIG.

f. Disclosure for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign, or international agency, for their use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter, or to solicit information from the federal, state, local, foreign, or international agency, for the OIG's use in connection with the assignment, hiring, or retention of an individual, issuance of a security clearance, letting of a contract, or issuance of a license, grant or other benefit.

g. Disclosure to an entity hearing a contract protest or dispute. A record from a system of records may be disclosed, as a routine use, to the United States Government Accountability Office, a Board of Contract Appeals, the Court of Federal Claims, or other court or tribunal, in connection with bid protest cases or contract dispute cases.

h. Disclosure to OMB or DOJ regarding Freedom of Information Act and Privacy Act advice. Information from a system of records may be disclosed, as a routine use, to the Office of Management and Budget, or the Department of Justice, in order to obtain advice regarding statutory and other requirements under the Freedom of Information Act or Privacy Act.

i. Disclosure to Treasury and DOJ in pursuance of an *ex parte* court order to obtain taxpayer information from the IRS. A record from a system of records may be disclosed, as a routine use, to the Department of Treasury and the Department of Justice when the OIG seeks an *ex parte* court order to obtain taxpayer information from the Internal Revenue Service.

j. Disclosure to a consumer reporting agency in order to obtain relevant investigatory information. A record from a system of records may be disclosed, as a routine use, to a "consumer reporting agency" as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purposes of obtaining information in the course of an investigation, or other matters related to the responsibilities of the OIG.

k. Disclosure in accordance with computer matching laws, regulations, and/or guidelines. A record may be disclosed to a federal, state, or local agency for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by those agencies, to support civil and criminal law enforcement activities of those agencies and their components, and to collect debts and overpayments owed to the agencies and their components. This routine use does not provide unrestricted access to records for such law enforcement and related anti-fraud activities; each request for disclosure will be considered in light of the applicable legal and administrative requirements of a computer matching program or procedure.

l. Disclosure to any law enforcement agency for inclusion in a database, system, or process. A record from a system of records may be disclosed, as a routine use, to any law enforcement agency for inclusion in a database, system, or process designed to generate investigative leads and information to be used for law enforcement purposes. This routine use also permits the disclosure of such records to any law enforcement agency with responsibility for investigating any investigative leads or information generated by the database, system, or other process in which the records were included.

m. Disclosure to any inspector general, receiver, trustee, or other overseer of any entity with respect to matters within the investigative jurisdiction of the United States Department of Labor (DOL) or the DOL OIG. A record from this system of records may be disclosed to any individual or entity with responsibility for oversight or management of any entity with respect to matters within the investigative jurisdiction of the United States Department of Labor or the DOL OIG. This would include, but not be limited to, any receiver, trustee, or established inspector general, whether court appointed or otherwise, that has been duly granted authority for oversight of an entity with respect to matters within the investigative authority of the United States Department of Labor or the DOL OIG.

n. Information may be disclosed to complainants and victims to the extent necessary to provide them with information concerning the process or results of the investigation or case arising from the matter about which they complained or were the victim.

o. Information may be disclosed to other Federal Offices of Inspector General and/or to the President's Council of the Inspectors General on Integrity and Efficiency for purposes of conducting the external review process required by the Homeland Security Act.

p. Disclosure to appropriate agencies, entities and persons when: (1) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) it has been determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy any harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Records from this system are not disclosed to consumer reporting agencies for credit rating or related purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OR RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

The written case records are retrieved by case number. Electronic records are retrieved by case number, case name, subject, cross referenced item or, batch retrieval applications. Case agent work assignment information is retrieved by agent name, case name number, or OIG office.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the schedules approved by the National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Labor Racketeering and Fraud Investigations, and Assistant Inspector General for Inspections and Special Investigations, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to: Disclosure Officer, Office of Inspector General, U.S. Department of Labor, 200 Constitution Ave NW., Washington, DC 20210.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual complaints and complainants, witnesses, interviews conducted during investigations, Federal, state and local government records, individual and company records, claim and payment files, employer medical records, insurance records, court records, articles from publications, published financial data, corporate information, bank information, telephone data, service providers, other law enforcement organizations, grantees and sub-grantees, contractors and subcontractors, and other sources that may arise during the course of an investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Secretary of Labor has promulgated regulations which exempt information contained in this system of records from various provisions of the Privacy Act depending upon the purpose for which the information was gathered and for which it will be used. The various law enforcement purposes and the reasons for the exemptions are as follows:

a. Criminal Law Enforcement: In accordance with 5 U.S.C. 552a(j)(2), information compiled for this purpose is exempt from all of the provisions of the Privacy Act except the following sections: (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). This material is exempt because the disclosure and other requirements of the Privacy Act would substantially compromise the efficacy and integrity of OIG operations in a number of ways. The disclosure of even the existence of these files would be problematic. Disclosure could enable suspects to take action to prevent detection of criminal activities, conceal evidence, or escape prosecution. Required disclosure of information contained in this system could lead to the intimidation of, or harm to, informants, witnesses and their respective families or OIG personnel and their families. Disclosure could invade the privacy of individuals other than subjects and disclose their identity when confidentially was promised or impliedly promised to them. Disclosure could interfere with the integrity of information which would otherwise be privileged (see, *e.g.*, 5 U.S.C. 552(b)(5)), and which could interfere with the integrity of other important law enforcement concerns: (see, *e.g.*, 5 U.S.C. 552 (b)(7)).

The requirement that only relevant and necessary information be included in a criminal investigative file is contrary to investigative practice which requires a full and complete inquiry and exhaustion of all potential sources of information. See, 5 U.S.C. 552 a(e)(1).

Similarly, maintaining only those records which are accurate, relevant, timely and complete and which assure fairness in a determination is contrary to established investigative techniques. See, 5 U.S.C. 552a(e)(5). Requiring investigators to obtain information to the greatest extent practicable directly from the subject individual also would be counter-productive to the thorough performance of clandestine criminal investigations. See, 5 U.S.C. 552a(e)(2). Finally, providing notice to an individual interviewed of the authority of the interviewer, the purpose which the information provided may be used, the routine uses of that information, and the effect upon the individual should he/she choose not to provide the information sought, could discourage the free flow of information in a criminal law enforcement inquiry. 5 U.S.C. 552a(e)(3).

b. Other law enforcement: In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes (to the extent it is not already exempted by 5 U.S.C. 552a(j)(2)), is exempted from the following provisions of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). This material is exempt because the disclosure and other requirements of the Act could substantially compromise the efficacy and integrity of OIG operations. Disclosure could invade the privacy of other individuals and disclose their identity when they were expressly promised confidentiality. Disclosure could interfere with the integrity of information which would otherwise be subject to privileges, see *e.g.*, 5 U.S.C. 552(b)(5) and which could interfere with other important law enforcement concerns. See, *e.g.*, 5 U.S.C. 552(b)(7).

c. Contract Investigations: In accordance with 5 U.S.C. 552a(k)(5), investigatory material compiled solely for the purpose of determining integrity, suitability, eligibility, qualifications, or employment under a DOL contract is exempt from the following sections of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f). This exemption was obtained in order to protect from disclosure the identity of confidential sources when an express promise of confidentiality has been given in order to obtain information from sources who would otherwise be unwilling to provide necessary information.

OLMS—DOL Office of Labor-Management Standards Systems of Records

DOL/OLMS–1

SYSTEM NAME:

Investigative Files of the Office of Labor-Management Standards.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The field offices of the Office of Labor-Management Standards.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Union officials and other individuals investigated or interviewed in connection with investigations carried out pursuant to the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401 *et seq.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Records compiled in connection with investigations conducted under the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), and under the standards of conduct provisions of the Civil Service Reform Act of 1978 (CSRA) and Foreign Service Act of 1980 (FSA), and the Congressional Accountability Act of 1995 (CAA) and the implementing regulations at 29 CFR part 458.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 401 *et seq.*, 5 U.S.C. 7120, 22 U.S.C. 4117, 2 U.S.C. 1351(a)(1), 29 CFR part 458.

PURPOSE(S):

Records are compiled in connection with enforcement of the LMRDA and the standards of conduct provisions of the CSRA and FSA and CAA and the implementing regulations at 29 CFR part 458.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the routine uses listed in the General Prefatory Statement to this document, records may be disclosed to interested persons or officials as provided for in section 601(a) of the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 521(a).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of union, union officials, individuals investigated, business organizations, labor relations consultants, and other individuals and organizations deemed significant.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records pertaining to open investigations are retained in the OLMS field offices. Closed files are retained two years after which they are retired to Federal Records Centers. FRC will destroy files after eight calendar years of storage (ten years after closure of case) in accordance with OLMS Records Schedule Number N1–317–02–03/5B.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Field Operations, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORDS ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from labor unions, union members, union officials and employees, employers, labor relations consultants, and other individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

To the extent this system of records is maintained for criminal law enforcement purposes, it is exempt pursuant to 5 U.S.C. 552a(j)(2) from all provisions of the Privacy Act except the following: 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), and (11), and (i). In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for civil law enforcement purposes is exempt for subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individuals, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence. Exemption under 5 U.S.C. 552a(j)(2) and (k)(2) of information within this system of records is necessary to undertake the investigative and enforcement responsibilities of OLMS, to prevent individuals from frustrating the investigatory process, to prevent subjects of investigation from escaping prosecution or avoiding civil enforcement, to prevent disclosure of investigative techniques, to protect the confidentiality of witnesses and informants, and to protect the safety and well-being of witnesses, informants, and law enforcement personnel, and their families.

DOL/OLMS–2

SYSTEM NAME:

OLMS Public Disclosure Request Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Labor, Office of Labor-Management Standards Division of Reports, Disclosure and Audits U.S. Department of Labor, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data regarding the request for copies of annual financial reports, information reports, trusteeship reports, and constitution and bylaws filed with the Department of Labor by labor unions, as well as any other reports filed by labor union officers and employees, employers, labor relations consultants, and surety companies, in accordance with the public disclosure provisions of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA). Data includes individual requester's name, title (optional), organization (optional), street address, city, state, zip code, telephone number (optional), fax number (optional), email address (optional), user name, and password; type of request (walk-in, telephone, mail, Internet, or fax); date of request; copying and certification charges; name and amount on requester's check; the name and LM Number of the labor union for which information has been requested; and the documents requested.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

29 U.S.C. 435.

PURPOSE(S):

These records are used by authorized OLMS disclosure personnel to process requests made to the OLMS Public Disclosure Room, prepare requests for payments, and process payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by individual name, organization name, address, control number, or request date.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for one year or until no longer needed, in accordance with General Records Schedule Number 23, N1–GRS–23–8.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Reports, Disclosure and Audits Office of Labor-Management Standards, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals requesting documents from the OLMS Public Disclosure Room, and OLMS employees processing the request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OSHA—DOL Occupational Safety and Health Administration Systems of Records

DOL/OSHA–1

SYSTEM NAME:

Retaliation Complaint File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At offices of the Occupational Safety and Health Administration (OSHA) including National, regional, and area offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints alleging retaliation against them by their employers, or by others, for engaging in activities protected under the various statutes set forth below, popularly referenced as whistleblower protection statutes. Complainants may file such claims with OSHA pursuant to 22 statutes: The Occupational Safety and Health Act (29 U.S.C. 660(c)); the Surface Transportation Assistance Act (49 U.S.C. 31105); the Asbestos Hazard Emergency Response Act (15 U.S.C. 2651); the International Safe Container Act (46 U.S.C. 80507); the Safe Drinking Water Act (42 U.S.C. 300j–9(i)); the Federal Water Pollution Control Act (33 U.S.C. 1367); the Toxic Substances Control Act (15 U.S.C. 2622); the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 42121); the Solid Waste Disposal Act (42 U.S.C. 6971); the Clean Air Act (42 U.S.C. 7622); the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9610); the Energy Reorganization Act of 1978 (42 U.S.C. 5851); the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60129); the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 (18 U.S.C. 1514A); the Federal Railroad Safety Act (49 U.S.C. 20109); the National Transit Systems Security Act (6 U.S.C. 1142); the Consumer Product Safety Improvement Act (15 U.S.C. 2087); the Affordable Care Act (29 U.S.C. 218C) the Consumer Financial Protection Act of 2010 (12 U.S.C. 5567); the Seaman's Protection Act (46 U.S.C. 2114); the FDA Food Safety Modernization Act (21 U.S.C. 399d); and the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30171).

CATEGORIES OF RECORDS IN THE SYSTEM:

Complainant's name, address, telephone numbers, occupation, place of employment, and other identifying data along with the allegation, OSHA forms, and evidence offered in the allegation's proof. Respondent's name, address, telephone numbers, response to notification of the complaint, statements, and any other evidence or background material submitted as evidence. This material includes records of interviews and other data gathered by the investigator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. The Occupational Safety and Health Act (29 U.S.C. 660(c));

b. The Surface Transportation Assistance Act (49 U.S.C. 31105);

c. The Asbestos Hazard Emergency Response Act (15 U.S.C. 2651);

d. The International Safe Container Act (46 U.S.C. 1506);

e. The Safe Drinking Water Act (42 U.S.C. 300j–9(i));

f. The Federal Water Pollution Control Act (33 U.S.C. 1367);

g. The Toxic Substances Control Act (15 U.S.C. 2622);

h. The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 42121);

i. The Solid Waste Disposal Act (42 U.S.C. 6971);

j. The Clean Air Act (42 U.S.C. 7622);

k. The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9610);

l. The Energy Reorganization Act of 1978 (42 U.S.C. 5851);

m. The Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60129);

n. The Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 (18 U.S.C. 1514A);

o. The Federal Rail Safety Act (49 U.S.C. 20109);

p. The National Transit Security Systems Act (6 U.S.C. 1142);

q. The Consumer Product Safety Improvement Act (15 U.S.C. 2087);

r. The Affordable Care Act (29 U.S.C. 218C));

s. The Consumer Financial Protection Act of 2010 (12 U.S.C. 5567);

t. The Seaman's Protection Act (46 U.S.C. 2114);

u. The FDA Food Safety Modernization Act (21 U.S.C. 399); and

v. The Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30171).

PURPOSE(S):

The records are used to support a determination by OSHA on the merits of a complaint alleging violation of the employee protection provisions of one or more of the statutes listed under "Authority." The records also are used as the basis of statistical reports on such activity by the system manager, national office administrators, regional administrators, investigators, and their supervisors in OSHA, which reports may be released to the public.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, a record from this system of records may be disclosed as follows:

a. With respect to the statutes listed under the "Authority" category, disclosure of the complaint, as well as the identity of the complainant, and any interviews, statements, or other information provided by the complainant, or information about the complainant given to OSHA, may be made to the respondent, so that the complaint can proceed to a resolution.

Note: Personal information about other employees that is contained in the complainant's file, such as statements taken by OSHA or information for use as comparative data, such as wages, bonuses, the substance of promotion recommendations, supervisory assessments of professional conduct and ability, or disciplinary actions, generally may be withheld from the respondent when it could violate those persons' privacy rights, cause intimidation or harassment to those persons, or impair future investigations by making it more difficult to collect similar information from others.

b. With respect to the statutes listed under the "Authority" category, disclosure of the respondent's responses to the complaint and any other evidence it submits may be shared with the complainant so that the complaint can proceed to a resolution.

c. With respect to the statutes listed under the "Authority" category, disclosure of appropriate, relevant, necessary, and compatible investigative records may be made to other Federal agencies responsible for investigating, prosecuting, enforcing, or implementing the underlying provisions of those statutes where OSHA deems such disclosure is compatible with the purpose for which the records were collected.

d. With respect to the statutes listed under the "Authority" category, disclosure of appropriate, relevant, necessary, and compatible investigative records may be made to another agency or instrumentality of any governmental jurisdiction within or under the control of the United States, for a civil or criminal law enforcement activity, if the activity is authorized by law, and if that agency or instrumentality has made a written request to OSHA, specifying the particular portion desired and the law enforcement activity for which the record is sought.

e. With respect to the statutes listed under the "Authority" category, disclosure may be made to the media, researchers, or other interested parties of statistical reports containing aggregated results of program activities and outcomes. Disclosure may be in response to requests made by telephone, email, fax, or letter, by a mutually convenient method. Statistical data may also be posted by the system manager on the OSHA Web page.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by complainant's name, respondent's name, case identification number, or other identifying information.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are destroyed five years after case is closed, in accordance with Records Schedule NC 174–76–1.

SYSTEM MANAGER(S) AND ADDRESS:

Director of the Directorate of Whistleblower Protection Programs in the National Office, OSHA. 200 Constitution Avenue NW., Room N–4618, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the System Manager.

RECORD ACCESS PROCEDURE:

Inquiries should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individual complainants who filed allegation(s) of retaliation by employer(s) against employee(s) or persons who have engaged in protected activities, also employers, employees and witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/OSHA–6

SYSTEM NAME:

Program Activity File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Electronic files are kept at National Information Technology Center. Paper files are kept at the Occupational Safety and Health Administration's (OSHA's) regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Compliance Safety and Health Officers, State Program, Cooperative Program and Compliance Assistance Staff, and Safety and Health Consultants of the Occupational Safety and Health Administration and its grantees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Covering current and future program activities and program support activities conducted by safety and health compliance officers, consultants, and state program, cooperative program and compliance assistance staff. Examples of program activities include inspections, complaint investigations, time tracking, compliance assistance activities, consultations, state program tracking, Voluntary Protection Programs (VPP), Partnership and Alliance activities. Program support activities includes training, administrative duties, and general program work that is not associated with a discrete program activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of 1970 (29 U.S.C. 651–678).

PURPOSE:

These records are maintained to manage, process and document OSHA program actions and program related activities that support the programs (inspection, complaint investigation, time tracking, compliance assistance, consultation, state program tracking, voluntary protection, partnership and alliance). The data compiled from these records are used to manage day-to-day program operations and to analyze program effectiveness, efficiency and resource utilization in the various program areas and on activities within those program areas. The data are used by agency officials for performance management, planning and policy purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Individual records are retrievable by employee identifying number or by activity number for information related to a discrete activity. A system of permissions by job title and organization level will control access to individual records. Aggregate or summary data are retrievable based on a variety of selection criteria, including office, program area, activity type, employee category, etc.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Data files are maintained in accordance with National Archives and Records Administration Records Disposition Schedule.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Management Data Systems, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the System Manager at the address listed above.

RECORD ACCESS PROCEDURE:

Individuals wishing to gain access to records should contact the System Manager at the address listed above.

CONTESTING RECORD PROCEDURE:

Individuals wishing to request amendment of any record should contact the System Manager at the address listed above.

RECORD SOURCE CATEGORIES:

Data records for program areas including inspection, complaint investigation, time tracking, compliance assistance, consultation, state program tracking, voluntary protection, partnership and alliance, completed by safety and health compliance officers, consultants, and state program, cooperative program and compliance assistance staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OSHA–9

SYSTEM NAME:

OSHA Compliance Safety and Health Officer Training Record.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Regional offices of the Occupational Safety and Health Administration; see the Appendix for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Compliance Safety and Health Officers of the Occupational Safety and Health Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records reflecting training courses and programs completed by Compliance Safety and Health Officers of the Occupational Safety and Health Administration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of 1970 (29 U.S.C. 651–678).

PURPOSE(S):

To determine which Compliance Safety and Health Officers have completed required training and which need added training. They are used to analyze individual training needs and to assess overall needs for training in upcoming periods; used by Regional Administrators for planning and budgetary purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name of individual Compliance Safety and Health Officer.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for 20 years in accordance with the applicable Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director of the Directorate of Training and Education, 2020 South Arlington Heights Road, Arlington Heights, IL 60005.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from official personnel folders, training rosters, sign-in sheets, and bio sheets/profile.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OSHA–10

SYSTEM NAME:

OSHA Outreach Training Program.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Directorate of Training and Education, Occupational Safety and Health Administration.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized OSHA Outreach Training Program trainers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain the following information: Trainer's name, ID number, most recent trainer course dates, trainer expiration date, authorizing training organization, trainer address, company name, address, telephone number, and email. Files also contain the course conducted, course emphasis, training site address, type of training site, course duration, course dates, and sponsoring organization, topics covered, the names of the students taught, and a copy of the letter sent to the trainer for that class.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of 1970 (29 U.S.C. 651–678); 5 U.S.C. 501.

PURPOSE(S):

To maintain, efficiently and accurately, information on OSHA authorized outreach trainers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored on paper.

RETRIEVABILITY:

Files are retrieved by the date that the training class was held and by the name of the authorized OSHA outreach trainer.

SAFEGUARDS:

Access by authorized personnel only. Locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for five years in accordance with Record Schedule NC 174–76–1, Item 16.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Training and Educational Programs, Directorate of Training and Education, Occupational Safety and Health Administration.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from OSHA Outreach Training Program trainers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OSHA–14

SYSTEM NAME:

Directorate of Training and Education Computer-Based Acquisition/Financial Records System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Directorate of Training and Education, Occupational Safety and Health Administration, U.S. Department of Labor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Staff of the Directorate of Training and Education, including the Training Institute. Individuals doing business with the Directorate of Training and Education that involve the payment or receipt of funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include necessary data to prepare a procurement requisition including: The requisition number; the name of the bureau making the procurement request; the specific page number of the requisition; the date of the requisition; the accounting code; the delivery requirement address; the official's name, title, and phone number for information concerning the procurement; an identification if the procurement is for instructional services, or for other supplies/services, if for instructional services-the course number and location of the course; a specific ordering item number and/or stock number; a narrative description of the item or service; the quantity requested; the unit price; the unit issue; the total dollar amount; the narrative justification for making the request; the name, address, and phone number of the suggested vendor; the Office division making the request; and the initials of the staff person(s) making the request. This system of records also contains the necessary data for maintaining a general ledger of accounts. Information will be taken from obligating documents. Records also include necessary data to track the receipt of all receivables.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of 1970 (29 U.S.C. 651–678).

PURPOSE(S):

To provide an acquisition and financial management system which will improve the acquisition process; and provide an efficient means for the accurate recording, tracking, reporting, and control of Directorate funds and receivables.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name of vendor, by name of staff person making a procurement request, by individual travel authorization number, by individual last name, and by any of the data elements identified in the Categories of Records in the System category.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for 6 years 3 months, in accordance with N1–GRS–95–4, Item 3a1a.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Administration and Training Information, Directorate of Training and Education, Occupational Safety and Health Administration.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from administrative and procurement files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OSHA–15

SYSTEM NAME:

Directorate of Training and Education Resource Center Loan Program.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Directorate of Training and Education, Occupational Safety and Health Administration.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

Individual borrowers who have become qualified to borrow from the Resource Center Collection of occupational safety and health materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain borrower name, company name and address, company telephone numbers, fax number, company email address, application form number, application date, borrower category, audiovisual program title and accession number, audiovisual copyright date, transaction identification number, and transaction date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of 1970 (29 U.S.C. 651–678) and 5 U.S.C. 301.

PURPOSE(S):

These records are maintained to facilitate the performance of the Resource Center Loan Program which loans occupational safety and health materials to qualified borrowers, for verification of borrower status and authorization to borrow, to track borrower requests for materials through processing and disposition, to maintain material ability and usage information, to track status and history of overdue materials, to maintain records on lost and damaged materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name of borrower for signed borrower agreement forms (manual), by any of the data elements in Categories of Records in the System section (ADP).

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for 5 years in accordance with NC 174–76–1, Item 16.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Training and Educational Programs, Directorate of Training and Education, Occupational Safety and Health Administration.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals and information pertaining to Resource Center materials is taken from Resource Center files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OWCP—DOL Office of Workers' Compensation Programs Systems of Records

OWCP–1

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Antidiscrimination Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor. Building, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints against employers on account of discharge or other acts of discrimination by reason of pneumoconiosis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual correspondence, investigative records, employment records, payroll records, medical reports, any other documents or reports pertaining to an individual's work history, education, medical condition or hiring practices of the employer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 938.

PURPOSE(S):

To maintain records that are used to process complaints against employers who discharge or otherwise discriminate against individuals because they suffer from pneumoconiosis.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of file content may be made to any party in interest to the complaint, including the coal company, the coal company's insurer, the claimant, medical providers, and legal representatives of any party for purposes related to the complaint.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by coal miner's name and social security number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for 10 years after case is closed in accordance with the applicable Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD SOURCE CATEGORIES:

Information contained in this System is obtained from individuals, employers, medical providers and investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OWCP–2

SYSTEM NAME:

Office of Workers' Compensation, Black Lung Benefits Claim File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Avenue NW., Washington, DC 20210, and district offices (see addresses in the Appendix to this document).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing claims for black lung (pneumoconiosis) benefits under the provisions of Black Lung Benefits Act, as amended, including miners, and their surviving spouses, children, dependent parents and siblings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal (name, date of birth, social security number, claim type, miner's date of death), medical, and financial. Information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal, under the authorizing legislation and related Acts. This record also contains investigative records and the work product of the Department of Labor and other governmental personnel and consultants involved in the investigations. If the individual has received benefits to which he or she is not entitled, the system may contain consumer credit reports correspondence to and from the debtor, information or records relating to the debtor's current whereabouts, assets, liabilities, income and expenses, debtor's personal financial statements, and other information such as the nature, amount and history of a claim filed by an individual covered by this system, and other records and reports relating to the implementation of the Debt Collection Act of 1982 including any investigative records or administrative review matters. The individual records listed herein are included only as pertinent to the individual claimant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 *et seq.*, 20 CFR 725.1 *et seq.*

PURPOSE(S):

To maintain records that are used to process all aspects of claims for black lung (pneumoconiosis) benefits under the provisions of the Black Lung Benefits Act, as amended, including claims filed by miners and their surviving spouses, children, dependent parents and siblings. These records are also used to process the recoupment of overpayments under the Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement of this document, disclosure of relevant and necessary information may be made to the following:

a. Mine operators (and/or any party providing the operator with benefits insurance) who have been determined potentially liable for the claim at any time after the filing of a claim for Black Lung Benefits for the purpose of determining liability for payment.

b. State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act.

c. Doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services.

d. Other Federal agencies conducting scientific research concerning the incidence and prevention of black lung disease.

e. Representatives of the claimant for the purpose of processing the claim, responsible operator and program representation on contested issues.

f. Labor unions and other voluntary employee associations of which the claimant is a member for the purpose of assisting the member.

g. Contractors providing automated data processing services to the Department of Labor, or to any agency or entity to which release is authorized, where the contractor is providing a service relating to the purpose for which the information can be released.

h. Federal, state or local agencies if necessary to obtain information relevant to a Departmental determination of initial or continuing eligibility for program benefits, including whether benefits have been or are being paid improperly; whether dual benefits prohibited under any federal or state law are being paid; and including salary offset and debt collection procedures, including any action required by the Debt Collection Act of 1982.

i. Debt collection agency that DOL has contracted for collection services to recover indebtedness owed to the United States.

j. Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate such taxpayers to collect, compromise, or write-off a Federal claim against the taxpayer; discharging an indebtedness owed by an individual.

k. Credit Bureaus for the purpose of receiving consumer credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor's ability to pay a debt and to establish a payment schedule.

Note: Disclosure of information contained in the file to a claimant or a person who is duly authorized to act on the claimant's or beneficiary's behalf may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information to OWCP personnel. Telephonic disclosure of information is essential to allow OWCP to efficiently perform its functions in adjudicating and servicing claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status and history of overdue debts; the name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by the Fair Credit Reporting Act (15 U.S.C. 1681a(f), or in accordance with the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(e) for the purpose of encouraging the repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by coal miner's name, social security number, and claimant's social security number different from miner's.

SAFEGUARDS:

Accessed by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for 10 years after death of last beneficiary. Denied claims are retained for 30 years after final denial in accordance with the appropriate Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room C–3520, 200 Constitution Avenue NW., Washington, DC 20210, and district office directors (*see* **ADDRESSES** in the Appendix to this document).

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals, organizations, and investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/OWCP–3

SYSTEM NAME:

Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Case Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, Washington, DC 20210, and district offices of the Office of Workers' Compensation Programs set forth in the Appendix to this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees injured or killed while working in private industry who are covered by the provisions of the Longshore and Harbor Workers' Compensation Act, the Non-Appropriated Fund Instrumentalities Act, the Defense Base Act, the War Hazards Act, the Outer Continental Shelf Lands Act, and the DC Workers' Compensation Act, referred to collectively herein as the Longshore and Harbor Workers' Compensation Act (LHWCA).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system may contain the following kinds of records: Reports of injury by the employee and/or employer; claim forms filed by or on behalf of injured employees covered under the LHWCA or their survivors seeking benefits under the LHWCA; forms authorizing medical care and treatment; other medical records and reports; bills and other payments records; compensation payments records (including section 8(f) payment records); section 8(f) applications filed by the employer; compensation orders for or against the payment of benefits; transcripts of hearings and depositions conducted; and any other medical employer or personal information submitted or gathered in connection with the claim. The system may also contain information relating to dates of birth, marriage, divorce, and death, notes of telephone conversations conducted in connection with the claim; emails; information relating to vocational and/or medical rehabilitation plans and progress reports including communication with rehabilitation counselors, potential employers, physicians and others who have been contacted as part of the rehabilitation process, notes created by the rehabilitation specialist and the rehabilitation counselor concerning the rehabilitation process, vocational testing, and other records pertaining to the vocational rehabilitation process; records relating to court proceedings, insurance, banking, and employment; articles from newspapers and other publications; information relating to other benefits (financial and otherwise) the claimant or employer may be entitled to; and information received from various investigative agencies concerning possible violations of Federal civil or criminal law.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 901 *et seq.* (20 CFR parts 701 *et seq.*); 36 DC Code 501 *et seq.;* 42 U.S.C. 1651 *et seq.;* 43 U.S.C. 1331 *et seq.;* 5 U.S.C. 8171 *et seq.*

PURPOSE(S):

To maintain records on the actions of insurance carriers, employers, and injured workers with respect to injuries reported under the Longshore and Harbor Workers' Compensation Act and related Acts, to ensure that eligible claimants receive appropriate benefits as provided by the Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, disclosure of information from this system of records may also be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is compatible with the purpose for which the information was collected:

a. The employer or its representatives, including third-party administrators, and/or any party providing the employer with workers' compensation insurance coverage since the employer and insurance carrier are parties-in-interest to all actions on a case, for the purpose of assisting in the litigation of the claim, at any time after report of the injury or report of the onset of the occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness.

b. Doctors, pharmacies, and other health care providers for the purpose of treating the claimant, conducting medical examinations, physical rehabilitation or other services or obtaining medical evaluations.

c. Public or private rehabilitation agencies to which the injured worker has been referred for vocational rehabilitation services so that they may properly evaluate the injured worker's experience, physical limitations and future employment capabilities.

d. Federal, state and local agencies conducting similar or related investigations to verify whether prohibited dual benefits were provided, whether benefits have been or are being paid properly, including whether dual benefits prohibited by federal law are being paid; salary offset and debt collection procedures including those actions required by the Debt Collection Act of 1982.

e. Labor unions and other voluntary associations from which the claimant has requested assistance in connection with the processing of the LHWCA claim.

f. Attorneys or other persons authorized to represent the interests of the LHWCA claimant in connection with a claim for benefits under the LHWCA, and/or a LHWCA beneficiary in connection with a claim for damages filed against a third party.

g. Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate a taxpayer to collect, compromise, or write-off a Federal claim against such taxpayer; discharging an indebtedness owed by an individual.

h. Trust funds that have demonstrated to the OWCP a right to a lien under 33 U.S.C. 917, for the purpose of permitting the trust funds to identify potential entitlement to payments upon which the trust funds may execute the lien.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

Note: Pursuant to 5 U.S.C. 552a(b)(1), information from this system of records is disclosed to members and staff of the Office of Administrative Law Judges, the Benefits Review Board, the Office of the Solicitor and other components of the Department who have a need for the record in the performance of their duties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved after identification by coded file number, which is cross-referenced to injured worker by name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

The length of time that records are retained varies by type of case. Lost-time disability cases are retained for 20 years after the case is closed. Other cases where the last possible beneficiary has died are retained for 6 years and 3 months after the death of such beneficiary. "No Lost Time" cases are retained for three years after the end of the fiscal year during which the related report was received.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Longshore and Harbor Workers' Compensation, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; and District Directors at the district offices set forth in the Appendix.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from injured employees, their qualified dependents, employers, insurance carriers, physicians, medical facilities, educational institutions, attorneys, and State, Federal, and private vocational rehabilitation agencies.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OWCP–4

SYSTEM NAME:

Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Special Fund System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons receiving compensation and related benefits under the Longshore and Harbor Workers' Compensation Act, the Non-Appropriated Fund Instrumentalities Act, the Defense Base Act, the War Hazards Act, the Outer Continental Shelf Lands Act, and the DC Workers' Compensation Act, referred to collectively herein as the Longshore and Harbor Workers' Compensation Act (LHWCA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical and vocational rehabilitation reports, bills, vouchers and records of payment for compensation and related benefits, statements of employment status, and orders for payment of compensation, and U.S. Treasury Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 901 *et seq.* (20 CFR parts 701 *et seq.*); 36 DC Code 501 *et seq.*; 42 U.S.C. 1651 *et seq.*; 43 U.S.C. 1331 *et seq.*; 5 U.S.C. 8171 *et seq.*

PURPOSE(S):

This system provides a record of payments to claimants, their qualified dependents, or providers of services to claimants from the Special Fund established pursuant to Section 44 of the Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, disclosure of information from this system of records may also be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is compatible with the purpose for which the information was collected:

a. The employer or employer's representatives, including third-party administrators, and/or any party providing the employer with workers' compensation insurance coverage since the employer and insurance carrier are parties-in-interest to all actions on a case, for the purpose of assisting in the litigation of the claim, at any time after report of the injury or report of the onset of the occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness.

b. Doctors, pharmacies, and other health care providers for the purpose of treating the claimant, conducting medical examinations, physical rehabilitation or other services or obtaining medical evaluations.

c. Public or private rehabilitation agencies to which the injured worker has been referred for vocational rehabilitation services so that they may properly evaluate the injured worker's experience, physical limitations and future employment capabilities.

d. Federal, state and local agencies conducting similar or related investigations to verify whether prohibited dual benefits were provided, whether benefits have been or are being paid properly, including whether dual benefits prohibited by federal law are being paid; salary offset and debt collection procedures including those actions required by the Debt Collection Act of 1982.

e. Labor unions and other voluntary associations from which the claimant has requested assistance with the processing of the LHWCA claim.

f. Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer; discharging an indebtedness owed by an individual.

g. Trust funds that have demonstrated to the OWCP a right to a lien under 33 U.S.C. 917, for the purpose of permitting the trust funds to identify potential entitlement to payments upon which the trust funds may execute the lien.

h. To individuals, and their attorneys and other representatives, and government agencies, seeking to enforce a legal obligation on behalf of such individual, to pay alimony and/or child support, for the purpose of enforcing such an obligation, pursuant to an order of a state or local court of competent jurisdiction, including Indian tribal courts, within any State, territory or possession of the United States, or the District of Columbia or to an order of a State agency authorized to issue income withholding notices pursuant to State or local law or pursuant to the requirements of section 666(b) of title 42, United States Code, or for the purpose of denying the existence of funds subject to such legal obligation.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

Note: Information from this system of records is disclosed to members and staff of the Office of Administrative Law Judges, the Benefits Review Board, the Office of the Solicitor and other components of the Department who have a need for the record in the performance of their duties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by social security number, which is cross-referenced to injured worker by name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for seven years after last payment is made.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from injured employees, their qualified dependents, employers, insurance carriers, physicians, medical facilities, educational institutions, attorneys, and State, Federal, and private vocational rehabilitation agencies.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OWCP–5

SYSTEM NAME:

Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Investigation Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, Washington, DC 20210, and district offices of the Office of Workers' Compensation Programs set forth in the Appendix to this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing claims for workers' compensation benefits under the Longshore and Harbor Workers' Compensation Act, the Non-Appropriated Fund Instrumentalities Act, the Defense Base Act, the War Hazards Act, the Outer Continental Shelf Lands Act, and the DC Workers' Compensation Act, referred to collectively herein as the Longshore and Harbor Workers' Compensation Act (LHWCA); individuals providing medical and other services to the Division; employees of insurance companies and of medical and other services providers to claimants; and other persons suspected of violations of law under the Act, including related civil and criminal provisions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records which contain information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal, under the LHWCA. This system also contains the work product of the Department of Labor and other government personnel and consultants involved in the investigations.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

33 U.S.C. 901 *et seq.* (20 CFR parts 701 *et seq.*); 36 DC Code 501 *et seq.;* 42 U.S.C. 1651 *et seq.;* 43 U.S.C. 1331 *et seq.;* 5 U.S.C. 8171 *et seq.*

PURPOSE(S):

To maintain records for the purpose of assisting in determinations of possible violations of Federal law, whether civil or criminal, in connection with reported injuries under the LHWCA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, disclosure of relevant and necessary information from this system of records may also be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is compatible with the purpose for which the information was collected: Internal Revenue Service, for the purpose of obtaining taxpayer mailing addresses in order to locate a taxpayer to collect, compromise, or write-off a Federal claim against such taxpayer; discharging an indebtedness owed by an individual.

Note: Pursuant to 5 U.S.C. 552a(b)(1), information from this system of records is disclosed to members and staff of the Office of Administrative Law Judges, the Benefits Review Board, the Office of the Solicitor and other components of the Department who have a need for the record in the performance of their duties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name of individual being investigated.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Retention time varies by type of compensation case and/or investigative file. For example, if the investigative file is about a lost-time case, it is transferred to the Federal Records Center two years after the related compensation case is closed, and destroyed twenty years after the case is closed. If the investigative file is about a death case, it is retained in the office as long as there are qualified dependents, and destroyed six years, three months after final closing. "No Lost Time" cases are destroyed three years after the end of the fiscal year during which the related report was received.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, DC 20210, and District Directors in the district offices of the Office of Workers' Compensation Programs set forth in the Appendix to this document.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from Division claim and payment files and from employees, insurers, service providers; and information received from parties leading to the opening of an investigation, or from interviews held during the course of an investigation.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

OWCP–6

SYSTEM NAME:

Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Claimant Representatives.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, Washington, DC 20210, and district offices of the Office of Workers' Compensation Programs set forth in the Appendix to this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged to have violated the provisions of the Longshore and Harbor Workers' Compensation Act, the Non-Appropriated Fund Instrumentalities Act, the Defense Base Act, the War Hazards Act, the Outer Continental Shelf Lands Act, and the DC Workers' Compensation Act, referred to collectively herein as the Longshore and Harbor Workers' Compensation Act (LHWCA) and the LHWCA's implementing regulations relating to representation of claimants/beneficiaries before the Department of Labor, including the Office of Administrative Law Judges and the Benefits Review Board, those found to have committed such violations and who have been disqualified, and those who are investigated but not disqualified. This system would also cover those persons who have been reinstated as qualified claimant representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system will consist of information such as the representative's name and address, the names and addresses of affected claimants/beneficiaries, copies of relevant documents obtained from claimant/beneficiary files relating to the issue of representation; all documents received or created as a result of the investigation of and/or hearing on the alleged violation of the Longshore Act and/or its regulations relating to representation, including investigations conducted by the DOL Office of Inspector General or other agency; and copies of documents notifying the representative and other interested persons of the disqualification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 931(b)(2)(B).

PURPOSE(S):

These records contain information on activities—including billing—relating to representation of claimants/beneficiaries, including documents relating to the debarment of representatives under other Federal or state programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, disclosure of relevant and necessary information from this system of records may also be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is compatible with the purpose for which the information was collected:

a. A claimant/beneficiary for the purpose of informing him/her that his/her representative has been disqualified from further representation under the Longshore Act.

b. Employers, insurance carriers, state bar disciplinary authorities, and the general public, for the purpose of providing information concerning the qualification of person(s) to act as a claimant representative under the Act.

c. Federal, state or local agency maintaining pertinent records, if necessary to obtain information relevant to a Departmental decision relating to debarment actions.

Note: Disclosure of information contained in the file of the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

Pursuant to 5 U.S.C. 552a(b)(1), information from this system of records is disclosed to members and staff of the Office of Administrative Law Judges, the Benefits Review Board, the Office of the Solicitor and other components of the Department who have a need for the record in the performance of their duties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THIS SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of the representative.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained in the office for three years after the debarment action is final and then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final. Where the period of exclusion is defined as a set period of time, the file will be retained two years after the period of exclusion expires (or the individual is otherwise reinstated), then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Longshore and Harbor Workers' Compensation Act, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, DC 20210, and District Directors in district offices set forth in the Appendix.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from employees, employers, insurance carriers, members of the public, agency investigative reports, and from other DOL systems of records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

OWCP–7

SYSTEM NAME:

Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Longshore Act.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, Washington, DC 20210, and district offices of the Office of Workers' Compensation Programs set forth in the Appendix to this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Providers of medical goods and services, including physicians, hospitals, and providers of medical support services or supplies excluded or considered for exclusion from payment under the Longshore Act and Harbor Workers' Compensation Act, the Non-Appropriated Fund Instrumentalities Act, the Defense Base Act, the War Hazards Act, the Outer Continental Shelf Lands Act, and the DC Workers' Compensation Act, referred to collectively herein as the Longshore and Harbor Workers' Compensation Act (LHWCA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of letters, lists, and documents from Federal and state agencies concerning the administrative debarment of providers from participation in programs providing benefits similar to those of the Longshore and Harbor Workers' Compensation Act and their reinstatement; materials concerning possible fraud or abuse which could lead to exclusion of a provider; documents relative to reinstatement of providers; materials concerning the conviction of providers for fraudulent activities in connection with any Federal or state program for which payments are made to providers for similar medical services; all letters, memoranda, and other documents regarding the consideration of a provider's exclusion, the actual exclusion, or reinstatement under the provisions of 20 CFR 702.431 *et seq.;* copies of all documents in a claimant's file relating to medical care and/or treatment, including bills for such services; as well as letters, memoranda, emails, and other documents obtained during investigations, hearings, and other administrative proceedings concerning exclusion for fraud or abuse, as well as reinstatement, and recommendations and decisions; lists of excluded providers released by the OWCP.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 907(c).

PURPOSE(S):

To maintain records to determine the propriety of instituting debarment actions under the Longshore Act. These records also provide information on treatment, billing and other aspects of a medical provider's actions, and/or documentation relating to the debarment of the medical care provider under another Federal or state program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, disclosure of information from this system of records may be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is compatible with the purpose for which the information is collected:

a. Federal, state or local government agencies, state licensing boards, professional organizations, claimants, patients, employers, insurance companies, and any other entities or individuals, for the purpose of identifying an excluded or reinstated provider, to ensure that authorization is not issued nor payment made to an excluded provider, and for the purpose of providing notice that a formerly excluded provider has been reinstated.

b. Federal, state or local government agencies, state licensing boards, professional organizations, claimants, patients, employers, insurance companies, and any other entities or individuals, for the purpose of obtaining information necessary to ensure that the list of excluded providers is correct, useful, and updated, as appropriate, and for the purpose of obtaining information relevant to a Departmental decision regarding a debarment action. This routine use encompasses the disclosure of such information which will enable the Department to properly verify the identity of a provider, to identify the nature of a violation, and the penalty imposed for such violation.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

Note: Pursuant to 5 U.S.C. 552a(b)(1), information from this system of records is disclosed to members and staff of the Benefits Review Board, the Office of Administrative Law Judges, the Office of the Solicitor and other components of the Department who have a need for the record in the performance of their duties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THIS SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of the provider.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Files are retained for three years after the debarment action is final and then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final. Where the period of exclusion is defined as a set period of time, the file will be retained two years after the period of exclusion expires (or the individual is otherwise reinstated), then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Longshore and Harbor Workers' Compensation Act, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, DC 20210, and District Directors in the district offices set forth in the Appendix to this document.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from Federal, state or local government agencies, state licensing boards, professional organizations, claimants, patients, employers, insurance companies, any other entities or individuals, public documents, and newspapers, as well as from other Department of Labor systems of records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/OWCP–8

SYSTEM NAME:

Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Federal Employees' Compensation Act.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Division of Federal Employees' Compensation, Office of Workers' Compensation Programs, Washington, DC 20210, and district offices of the Office of Workers' Compensation Programs set forth in the Appendix to this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Providers of medical goods and services, including physicians, hospitals, and providers of medical support services or supplies excluded or considered for exclusion from payment under the Federal Employees' Compensation Act for fraud or abuse (20 CFR 10.815–826).

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of letters, lists and documents from Federal and state agencies concerning the administrative debarment of providers from participation in programs providing benefits similar to those of the Federal Employees' Compensation Act and their reinstatement; materials concerning possible fraud or abuse which could lead to exclusion of a provider; documents relative to reinstatement of providers, materials concerning the conviction of providers for fraudulent activities in connection with any Federal or state program for which payments are made to providers for similar medical services; all letters, memoranda, and other documents regarding the consideration of a provider's exclusion, the actual exclusion, or reinstatement under the provisions of 20 CFR 10.815–826; copies of all documents in a claim file relating to medical care and/or treatment including bills for such services, as well as letters, memoranda, and other documents obtained during investigations, hearings and other administrative proceedings concerning exclusion for fraud or abuse, as well as reinstatement, along with recommendations and decisions; lists of excluded providers released by the OWCP.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Employees' Compensation Act (5 U.S.C. 8101 *et seq.*), and Title 20 CFR part 10.

PURPOSE(S):

To maintain records to determine the propriety of instituting debarment actions under the Federal Employees' Compensation Act. These records also provide information on treatment, billing and other aspects of a medical provider's actions, and/or documentation relating to the debarment of the medical care provider under another Federal or state program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, disclosure of information from this system of records may be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is compatible with the purpose for which the information is collected:

a. Federal, state or local government agencies, state licensing boards, professional organizations, claimants, patients, employers, insurance companies, and any other entities or individuals, for the purpose of identifying an excluded or reinstated provider, to ensure that authorization is not issued nor payment made to an excluded provider, and for the purpose of providing notice that a formerly excluded provider has been reinstated.

b. Federal, state or local government agencies, state licensing boards, professional organizations, claimants, patients, employers, insurance companies, and any other entities or individuals, for the purpose of obtaining information necessary to ensure that the list of excluded providers is correct, useful, and updated, as appropriate, and for the purpose of obtaining information relevant to a Departmental decision regarding a debarment action. This routine use encompasses the disclosure of such information that will enable the Department to properly verify the identity of a provider, to identify the nature of a violation, and the penalty imposed for such violation.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

Note: Pursuant to 5 U.S.C. 552a(b)(1), information from this system of records is disclosed to members and staff of the Employees' Compensation Appeals Board, the Office of Administrative Law Judges, the Office of the Solicitor and other components of the Department who have a need for the record in the performance of their duties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THIS SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of the provider, a case citation, or date of release.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Files are retained for three years after the debarment action is final and then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final. Where the period of exclusion is defined as a set period of time, the file will be retained two years after the period of exclusion expires (or the individual is otherwise reinstated), then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Federal Employees' Compensation, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, DC 20210, and the District Directors of the district offices set forth in the Appendix to this document.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager. In order for the record to be located, the individual must provide his or her full name, date of birth, and signature.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager. In order for the record to be located, the individual must provide his or her full name, date of birth, and signature.

CONTESTING RECORD PROCEDURE:

Specific materials in this system have been exempted from certain Privacy Act provisions regarding the amendment of records. The section of this notice Entitled "Systems Exempted from Certain Provisions of the Act" indicates the kind of materials exempted, and the reasons for exempting them. Any individual requesting amendment of non-exempt records should contact the appropriate the system manager. Individuals requesting amendment of records must comply with the Department's Privacy Act regulations at 29 CFR 71.1 and 71.9.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from Federal, state or local government agencies, state licensing boards, professional organizations, claimants, patients, employers, insurance companies, any other entities or individuals, public documents, and newspapers, as well as from other Department of Labor systems of records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes which is maintained in the investigation files of the Office of Workers' Compensation Programs, is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons and agencies to which the information has been transmitted, would substantially compromise the effectiveness of the investigation. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants and witnesses, and their respective families, and the wellbeing of investigative personnel and their families.

OWCP–9

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Automated Support Package.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, U.S. Department of Labor Building, 200 Constitution Ave. NW., Washington, DC 20210, and district offices (see addresses in the Appendix to this document).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing claims for black lung benefits; claimants receiving benefits; dependents of claimants and beneficiaries; medical providers; attorneys representing claimants; coal mine operators; workers' compensation insurance carriers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records included are personal (name, date of birth, SSN, claim type, miner's date of death); demographic (state, county, city, congressional district, zip code); mine employment history; medical records; initial determination; conference results; hearing results; medical and disability payment history; accounting information including data on debts owed to the United States; Social Security Administration black lung benefits data; state workers' compensation claim and benefits data; coal mine operator names, addresses, states of operation and histories of insurance coverage; and medical service providers' names, addresses, license numbers, medical specialties, tax identifications and payment histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 *et seq.*, 20 CFR 725.1 *et seq.*

PURPOSE(S):

To maintain data on claimants, beneficiaries and their dependents; attorneys representing claimants; medical service providers; coal mine operators and insurance carriers. Provide means of automated payment of medical and disability benefits. Maintain a history of medical bills submitted by beneficiaries and medical service providers. Maintain a history of disability benefit payments made to beneficiaries and medical benefit payments made to beneficiaries and medical service providers. Maintain program accounting information including information on debts owed to the United States. Provide a means for the automatic recoupment of overpayments made to beneficiaries and medical service providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, disclosure of relevant and necessary information may be made to the following:

a. Mine operators (and/or any party providing the operator with workers' compensation insurance) who have been determined potentially liable for the claim at any time after the filing of a notice of injury or claim related to such injury or occupational illness, for the purpose of determining liability for payment.

b. State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act.

c. Doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services.

d. Other Federal agencies conducting scientific research concerning the incidence and prevention of black lung disease.

e. Legal representatives, or person authorized to act on behalf of the claimant, responsible operator and program representation on contested issues.

f. Labor unions and other voluntary employee associations of which the claimant is a member for the purpose of exercising an interest in claims of members as part of their service to the members.

g. Contractors providing automated data processing services to the Department of Labor, or to any agency or entity to whom release is authorized, where the contractor is providing a service relating to the purpose for which the information can be released.

h. Federal, state or local agencies if necessary to obtain information relevant to a determination of initial or continuing eligibility for program benefits, whether benefits have been or are being paid improperly, including whether dual benefits prohibited under any federal or state law are being paid; and salary offset and debt collection procedures, including any action required by the Debt Collection Act of 1982, 31 U.S.C. 3711.

i. Debt collection agency that DOL has contracted for collection services to recover indebtedness owed to the United States.

j. Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate taxpayers to collect, compromise, or write-off a Federal claim against the taxpayer;

discharging an indebtedness owed by an individual.

k. Credit Bureaus for the purpose of receiving consumer credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor's ability to pay a debt and to establish a payment schedule.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status and history of overdue debts; the name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f); or in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f) for the purpose of encouraging the repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by coal miner's name and social security number; medical provider number; coal mine operator number; insurance carrier number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Electronic file data has permanent retention. Claimant and benefit master file data will be transferred to magnetic tape and transmitted to NARA every ten years. This data (which includes both open and closed cases) will not be made available to the public until ninty years after transfer to NARA due to Privacy Act restrictions.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Coal Mine Workers' Compensation, U.S. Department of Labor, Room C–3520, 200 Constitution Ave. NW., Washington, DC 20210, and district office director (see addresses in The Appendix to this document).

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from individuals and organizations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Investigatory portion of system exempted from certain provisions of the Act: In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for civil law enforcement purposes, which is maintained in this system's files of the Office of Workers' Compensation Programs of the Employment Standards Administration, is exempt from paragraphs (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families.

DOL/OWCP–10

SYSTEM NAME:

Office of Workers' Compensation Programs, Federal Employees' Compensation Act (FEC) and Longshore and Harbor Workers' Compensation Act Rehabilitation Counselor Case Assignment, Contract Management and Performance Files and FEC Field Nurses.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Files concerning rehabilitation counselors are located in the Federal Employees' Compensation (FEC) and Longshore and Harbor Workers' Compensation (Longshore) District Offices where the counselor is certified. Files for FEC field nurses are found in FEC district offices. See the Appendix to this document for District Office addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The rehabilitation counselor/nurse files cover individuals who have entered into a contract with the Office of Workers' Compensation Programs to provide rehabilitation counselor or nursing services under the Federal Employees' Compensation Act (FECA) and/or the Longshore and Harbor Workers' Compensation Act (LHWCA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses and information on qualifications of rehabilitation counselors/nurses certified by and under contract with OWCP to provide rehabilitation services to injured workers under the FECA and LHWCA or field nurse services under FECA. In addition there are records compiled and maintained by the rehabilitation specialist or the OWCP staff nurse, concerning the assignment of rehabilitation/field nurse cases to the counselor/nurse and the performance of the counselor/nurse in fulfilling the duties under the contract with OWCP.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 939(c)(2); 5 U.S.C. 8101 *et seq.*

PURPOSE(S):

These records are maintained to provide information about the rehabilitation counselor or field nurse, including the name, address, telephone number, counselor/nurse status, skill codes, number of referrals, status of referrals and notes. These notes can include evaluation of performance and other matters concerning performance of the contract.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

Note: Pursuant to 5 U.S.C. 552a(b)(1), information from this system of records may be disclosed to members and staff of the Benefits Review Board, the Employees' Compensation Appeals Board, the Office of Administrative Law Judges, the Office of the Solicitor and other components of the Department who have a need for the record in the performance of their duties.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of the counselor/nurse through the database and/or files maintained in the appropriate OWCP district office.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for two years after the rehabilitation counselor or field nurse have stopped providing services to OWCP.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Longshore and Harbor Workers' Compensation, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; and District Directors at the FECA district offices set forth in the Appendix.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager or submitted in such other manner as directed by OWCP.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from rehabilitation counselors, field nurses, other individuals, correspondence, investigative reports, Federal and state agency records, any other record or document pertaining to a contract.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OWCP–11

SYSTEM NAME:

Office of Workers' Compensation Programs, Energy Employees Occupational Illness Compensation Program Act File.

SECURITY CLASSIFICATION:

Most files and data are unclassified. Files and data in certain cases have Top Secret classification, but the rules concerning their maintenance and disclosure are determined by the agency that has classified the information.

SYSTEM LOCATION:

At component agency national, district, and contractor offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or their survivors who claim benefits under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). These individuals include, but are not limited to, Federal employees or survivors of Federal employees; and employees or survivors of employees of the United States Department of Energy, its predecessor agencies, and their contractors and subcontractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system may contain the following kinds of records: Claim forms filed by or on behalf of individuals with illnesses or their survivors seeking benefits under the EEOICPA; reports by the employee and/or the United States Department of Energy; employment records; exposure records; safety records or other incident reports; dose reconstruction records; workers' or family members' contemporaneous diaries, journals, or other notes; forms authorizing medical care and treatment; other medical records and reports; bills and other payment records; compensation payment records; formal orders for or against the payment of benefits; transcripts of hearings conducted; and any other medical, employment, or personal information submitted or gathered in connection with a claim. The system may also contain information relating to dates of birth, marriage, divorce, and death; notes of telephone conversations conducted in connection with a claim; information relating to medical rehabilitation plans and progress reports; records relating to court proceedings, insurance, banking and employment; articles from newspapers and other publications; information relating to other benefits (financial and otherwise) that an employee and/or survivor may be entitled to, including previously filed claims; and information received from various investigative agencies concerning possible violations of Federal civil or criminal law.

The system may also contain consumer credit reports on individuals indebted to the United States, information relating to the debtor's assets, liabilities, income and expenses, personal financial statements, correspondence to and from the debtor, information relating to the location of the debtor, and other records an reports relating to the implementation of the Federal Claims Collection Act (as amended), including investigative reports or administrative review matters. Individual records listed here are included in a claim file only insofar as they may be pertinent or applicable to the individual claiming benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Energy Employees Occupational Illness Compensation Program Act of 2000, Title XXXVI of Public Law 106–398, October 30, 2000, 114 Stat. 1654, and as amended.

PURPOSE(S):

To maintain records on individuals who file claims with the Department under EEOICPA, which establishes a program for compensating certain individuals for covered illnesses related to exposure to beryllium, radiation, silica, and other toxic substances. These records provide information and verification about individual claimants' covered illnesses that may be used to determine entitlement to medical treatment, compensation, and survivors' benefits under EEOICPA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, disclosure of information from this system of records may be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is both relevant and necessary and is compatible with the purpose for which the information was collected:

a. To any attorney or other representative of an EEOICPA beneficiary for the purpose of assisting in a claim or litigation against a third party or parties potentially liable to pay damages as a result of the beneficiary's compensable condition, and for the purpose of administering the provisions of §§ 3641–3642 of the EEOICPA. Any such third party, or a representative acting on that third party's behalf, may be provided with information or documents concerning the existence of a record and the amount and nature of compensation paid to or on behalf of the beneficiary for the purpose of assisting in the resolution of the claim or litigation against that party or administering the provisions of §§ 3641–3642 of the EEOICPA.

b. To the United States Department of Energy, its contractors and subcontractors, and the Federal agency that employed the employee at the time of the alleged exposure, as well as to other entities that may possess relevant information, to assist in administering the EEOICPA, to answer questions about the status of the claim, to consider other actions the agency or entity may be required to take with regard to the claim, or to permit the agency or entity to evaluate its safety and health program. Disclosure to other Federal agencies, including the Department of Justice, may be made when OWCP determines that such disclosure is relevant and necessary for the purpose of providing assistance in regard to asserting a defense based upon the EEOICPA's exclusive remedy provision to an administrative claim or to litigation filed under the Federal Tort Claims Act.

c. To the personnel, contractors, grantees, and cooperative agreement holders of the Department of Energy, the Department of Health and Human Services, the Department of Justice, and other Federal agencies designated by the President to implement the Federal compensation program established by the EEOICPA, for the purpose of assisting in the adjudication or processing of a claim under that Act.

d. To physicians, pharmacies, and other health care providers for their use in treating the claimant, conducting an examination, preparing an evaluation on behalf of OWCP, and for other purposes relating to the medical management of the claim including evaluation of a payment for charges of medical and related services and supplies.

e. To medical insurance or health and welfare plans (or their designees) that cover the claimant in instances where OWCP had paid for treatment of a medical condition that is not compensable under the EEOICPA, or where a medical insurance plan or health and welfare plan has paid for treatment of a medical condition that may be compensable under the EEOICPA, for the purpose of resolving the appropriate source of payment in such circumstances.

f. To a Federal, State or local agency for the purpose of obtaining information relevant to a determination concerning initial or continuing eligibility for EEOICPA benefits, and for a determination concerning whether benefits have been or are being properly paid, including whether dual benefits that are prohibited under any applicable Federal or State statute are being paid. In addition, for the purpose of utilizing salary offset and debt collection procedures, including those actions required by the Debt Collection Act of 1982, to collect debts arising as a result of overpayments of EEOICPA compensation and debts otherwise related to the payment of EEOICPA benefits.

g. To the Internal Revenue Service (IRS) in order to obtain taxpayer mailing addresses for the purposes of locating a taxpayer to collect, compromise, or write-off a Federal claim against such taxpayer; and informing the IRS of the discharge of a debt owed by an individual. Records from this system of records may also be disclosed to the IRS for the purpose of offsetting a Federal claim from any income tax refund that may be due to the debtor.

h. Where an investigation, settlement of claims, or the preparation and conduct of litigation is undertaken, a record may be disclosed to (1.) a person representing the United States or the Department in the investigation, settlement or litigation, and to individuals assisting in such representation; (2.) others involved in the investigation, settlement, and litigation, and their representatives and assistants; and (3.) a witness, potential witness, or their representatives and assistants, and to any other person who possesses information pertaining to the matter, when such disclosure is necessary for the conduct of the investigation, settlement, or litigation, or is necessary to obtain information or testimony relevant to the matter.

i. To the Defense Manpower Data Center—Department of Defense and the United States Postal Service to conduct computer matching programs for the purpose of identifying and locating individuals who are receiving Federal salaries or benefit payments and are delinquent in their repayment of debts owed to the United States under programs administered by the Department in order to collect the debts under the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365) by voluntary repayment, or by salary or administrative offset procedures.

j. To a credit bureau for the purpose of obtaining consumer credit reports identifying the assets, liabilities, expenses, and income of a debtor in order to ascertain the debtor's ability to repay a debt incurred under EEOICPA, to collect the debt, or to establish a payment schedule.

k. The amount, status and history of overdue debts, the name and address, taxpayer identification (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

l. To individuals, and their attorneys and other representatives, and government agencies, seeking to enforce a legal obligation on behalf of such individual or agency, to pay alimony and/or child support for the purpose of enforcing such an obligation, pursuant to an order of a state or local court of competent jurisdiction, including Indian tribal courts, within any State, territory, or possession of the United States, or the District of Columbia or to an order of a State agency authorized to issue income withholding notices pursuant to State or local law or pursuant to the requirements of § 666(b) of title 42, U.S.C., or for the purpose of denying the existence of funds subject to such legal obligation.

m. To the spouse, children, parents, grandchildren, or grandparents of deceased employees who may be covered under the EEOICPA to enable them to assess their eligibility for benefits under the EEOICPA, and to inform them of decisions regarding benefit eligibility, so that they have the opportunity to take action to protect any rights they may have as potentially eligible beneficiaries.

n. To a Member of Congress or to a Congressional Staff Member in response to an inquiry made by an individual seeking assistance who is the subject of the record being disclosed for the purpose of providing such assistance.

Note: Disclosure of information contained in this system of records to the subject of the record, a person who is duly authorized to act on his or her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone or by electronic means. Disclosure over the telephone or by electronic means will only be done where the requestor provides appropriate identifying information. Telephonic or electronic disclosure of information is essential to permit efficient administration and adjudication of claims under EEOICPA.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status and history of overdue debts, the name and address, taxpayer identification (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in electronic and/or paper form.

RETRIEVABILITY:

Files, electronic records, and automated data are retrieved after identification by coded file number and/or Social Security Number which is cross-referenced to employee by name, employer and/or contractor, and nature of the illness.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Case files are considered closed when no activity has taken place for two years (after date of final action). The closed files are to be held in the district offices for three years, then transferred to Federal Records Center and destroyed twenty years after the date of the final decision. Electronic records and reports are to be destroyed when the information is no longer needed. Output, master file and documentation pertaining to the master file are replaced or destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Energy Employees Occupational Illness Compensation, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

An individual wishing to inquire whether this system of records contains information about him/her may write or telephone the OWCP district office that services the State in which the individual resided or worked at the time he or she believes a claim was filed. In order for the record to be located, the individual must provide his or her full name, OWCP claim number (if known), and date of birth.

RECORD ACCESS PROCEDURE:

Any individual seeking access to non-exempt information about a case in which he/she is a party in interest may write or telephone the OWCP district office where the case is located, or may contact the systems manager.

CONTESTING RECORD PROCEDURES:

Any individual requesting amendment of non-exempt records should contact the appropriate OWCP district office, or the system manager. Individuals requesting amendment of records must comply with the Department's Privacy Act regulations at 29 CFR 71.1 and 71.9.

RECORD SOURCE CATEGORIES:

Employees who are the subject of the record and their family members; employing Federal agencies; current and former Federal contractors and subcontractors and their family members; State governments, State agencies, and other Federal agencies; State and Federal workers' compensation offices; physicians and other medical professionals; hospitals; clinics; medical laboratories; suppliers of health care products and services and their agents and representatives; educational institutions; attorneys; Members of Congress; OWCP field investigations; consumer credit reports; investigative reports; correspondence with the debtor including personal financial statements; records relating to hearings on the debt; and other Department systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigative material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of those records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/OWCP–12

SYSTEM NAME:

Office of Workers' Compensation Programs, Physicians and Health Care Providers Excluded under the Energy Employees Occupational Illness Compensation Program Act.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At component agency national, district, and contractor offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Providers of medical goods and services, including physicians, hospitals, and providers of medical support services or supplies excluded or considered for exclusion from payment under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) for fraud or abuse (20 CFR 30.715–30.726, or as updated).

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of letters, lists and documents from Federal and State agencies concerning the administrative debarment of providers from participation in programs providing benefits similar to those of the EEOICPA and their reinstatement; material concerning possible fraud or abuse which could lead to exclusion of a provider; documents relative to reinstatement of providers, materials concerning the conviction of providers for fraudulent activities in connection with any Federal or State program for which payments are made to providers for similar medical services; all letters, memoranda, and other documents regarding the consideration of a provider's exclusion, the actual exclusion, or reinstatement under the provisions of 20 CFR 30.715–30.726 (or as updated); copies of all documents in a claim file relating to medical care and/or treatment including bills for such services, as well as letters, memoranda, and other documents obtained during investigations, hearings and other administrative proceedings concerning exclusion for fraud or abuse, as well as reinstatement, along with recommendations and decisions; lists of excluded providers released by OWCP.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Energy Employees Occupational Illness Compensation Program Act of 2000, Title XXXVI of Public Law 106–398, October 30, 2000, 114 Stat. 1654, and as amended.

PURPOSE(S):

To maintain records in order to determine the propriety of instituting debarment actions under EEOICPA. These records also provide information regarding treatment, billing and other aspects of a medical provider's actions, and/or documentation relating to the debarment of the medical care provider under another Federal or State program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the universal routine uses listed in the General Prefatory Statement to this document, the disclosure of information from this system of records may be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is compatible with the purpose for which the information is collected:

a. Federal, State or local government agencies, State licensing boards, professional organizations, claimants, patients, employers, insurance companies, and any other entities or individuals, for the purpose of identifying an excluded or reinstated provider to ensure that authorization is not issued nor payment made to an excluded provider, and for the purpose of providing notice that a formerly excluded provider has been reinstated.

b. Federal, State or local government agencies, State licensing boards, professional organizations, claimants, patients, employers, insurance companies, and any other entities or individuals, for the purpose of obtaining information necessary to ensure that the list of excluded providers is correct, useful, and updated, as appropriate, and for the purpose of obtaining information relevant to a Departmental decision regarding a debarment action. This routine use encompasses the disclosure of such information that will enable the Department to properly verify the identity of a provider, to identify the nature of a violation, and the penalty imposed for such violation.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or in paper form.

RETRIEVABILITY:

Files are retrieved either by the name of the provider, case citation, or date of release.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Specific electronic data tables received from the Department of Health and Human Services (HHS) should be deleted from the server when HHS advises that the period of exclusion has expired due to reinstatement. The Master file is maintained in a separate file on the National Office server and they are to be destroyed when they are no longer needed. Hard copies of reports are to be destroyed when new reports are generated. In-house exclusions and correspondence files are retained until debarment action is finalized and then transferred to the Federal Records Center at the end of the fiscal/annual year, and destroyed 30 years after the date of final debarment action. Documentation relating to a master file, database and other electronic records are destroyed or deleted upon authorized deletion of the related electronic records or upon the destruction of the output of the system if the output is needed to protect legal rights, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Energy Employees Occupational Illness Compensation, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

An individual wishing to inquire whether this system of records contains information about him/her may write to the system manager at the address above. In order for the record to be located, the individual must provide his or her full name, date of birth, and signature.

RECORD ACCESS PROCEDURES:

Any individual seeking access to non-exempt information about a record within this system of records may write the system manager, and arrangements will be made to provide review of the file. In order for the record to be located, the individual must provide his or her full name, date of birth, and signature.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from Federal, State or local government agencies, state licensing boards, professional organizations, claimants, patients, employers, insurance companies, any other entities or individuals, public documents, and newspapers, as well as from other Department systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes which is maintained in the investigation files of OWCP, is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons and agencies to which the information has been transmitted, would substantially compromise the effectiveness of the investigation. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants and witnesses, and their respective families, and the wellbeing of investigative personnel and their families.

SOL—DOL Office of the Solicitor Systems of Records

DOL/SOL–3

SYSTEM NAME:

Tort Claim Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Solicitor, Division of Federal Employees' and Energy Workers' Compensation, 200 Constitution Avenue NW., Washington, DC 20210–0002; Offices of the Regional Solicitors and Associate Regional Solicitors at various field locations set forth in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing claims for damages under the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Federal Tort Claim Act files, including claims forms and supporting documents filed by claimants, agency records, administrative reports and supporting documents prepared by the agency involved, internal memoranda, legal pleadings, decisions, and other documents received in connection with Federal Tort Claims Act administrative claims and litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2671 *et seq.; 29 CFR part 15.*

PURPOSE(S):

To maintain records necessary for adjudication of claims and defense of litigation filed under the Federal Tort Claims Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses contained in the General Prefatory Statement to this document, where an administrative claim or litigation under the Federal Tort Claims Act is filed with or involves allegations concerning more than one federal agency, relevant information in this system of records, including documents submitted in support of the administrative claim, may be disclosed to the relevant agency or agencies for their input and independent adjudication of the claim.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of claimant.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for as long as a case file remains open. Upon conclusion of the matter, files are retained for two years then transferred to the Federal Records Center for two years and, thereafter, destroyed, in accordance with DOL/SOL Records Schedule Number DAA–0174–0006.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitor for Federal Employees' and Energy Workers' Compensation in Washington, DC, and Regional Solicitors and Associate Regional Solicitors in various locations in the field.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the appropriate System Managers.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the appropriate System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the appropriate System Manager.

RECORDS SOURCE CATEGORIES:

Information contained in this system is obtained from claimants, current and former employers, witnesses, physicians and/or medical providers, insurance companies, attorneys, police, hospitals, and other persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/SOL–5

SYSTEM NAME:

Workforce Investment Act Tort Claim Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices of the Regional Solicitors, U.S. Department of Labor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tort claims, including negligence, medical, personnel and legal reports, summaries, correspondence, and memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1501 *et seq.* and the Workforce Investment Act, 29 U.S.C. 2801 *et seq.*; the Workforce Innovation and Opportunity Act, 29 U.S.C. 3101 *et seq.*; 29 CFR part 15.

PURPOSE(S):

To allow adjudication of claims filed under the Workforce Investment Act and Workforce Innovation and Opportunity Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses contained in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of claimant.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained until completion of a case. Thereafter, the files are retained in the Office of the Solicitor for two years, then retired to the appropriate Federal Records Center for three years and then destroyed in accordance with DOL/SOL Records Schedule Number DAA–0174–0006.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Solicitors and Associate Regional Solicitors, U.S. Department of Labor. See the Appendix of this document for the regional addresses.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the appropriate System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, and other individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/SOL–6

SYSTEM NAME:

Military Personnel and Civilian Employees' Claims.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Solicitor, Division of Federal Employees' and Energy Workers' Compensation, 200 Constitution Avenue NW., Washington, DC 20210–0002; Offices of the Regional Solicitors and Associate Regional Solicitors at various regional locations set forth in the Appendix to this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former employees of the Department of Labor filing claims under the Military Personnel and Civilian Employees' Claims Act to recover for the loss of or damage to personal property incident to their service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claim files, including claim forms, accident, investigative, medical or personnel reports, witness statements, summaries, correspondence and memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3721; 29 CFR part 15.

PURPOSE(S):

To maintain records necessary for adjudication of claims filed under the Military Personnel and Civilian Employees' Claims Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses contained in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of claimant.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for as long as the case is open in the office handling the claim. Upon conclusion of the matter, files are retained for two years and then transferred to the Federal Records Center for three years and then destroyed in accordance with DOL/SOL Records Schedule Number DAA–0174–0006.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitor for Federal Employees' and Energy Workers' Compensation in Washington, DC, and Regional Solicitors and Associate Regional Solicitors at various regional locations set forth in the Appendix to this document.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the appropriate System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the appropriate System Manager.

CONTESTING RECORD PROCEDURE:

A petition for amendment should be mailed to the appropriate System Manger.

RECORDS SOURCE CATEGORIES:

Information contained in this system is obtained from claimants, current and former employers, witnesses, physicians and/or medical providers, insurance companies, attorneys, police, hospitals, and other persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/SOL–9

SYSTEM NAME:

Freedom of Information Act and Privacy Act Appeal Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system encompasses all individuals who submit administrative appeals under the Freedom of Information and Privacy Acts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each file generally contains the appeal letter, the initial request, the initial agency determination, and other records necessary to make a determination on the appeal, including copies of unsanitized records responsive to the request. When a determination is made on the appeal, the determination letter is added to the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Freedom of Information Act (5 U.S.C. 552); the Privacy Act of 1974 (5 U.S.C. 552a); and 5 U.S.C. 301.

PURPOSE(S):

These records are maintained to process an individual's administrative appeal made under the provisions of the Freedom of Information and the Privacy Acts. The records are also used to prepare the Department's annual reports to OMB and Congress required by the Privacy and the Freedom of Information Acts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, and information in these records, that is relevant and necessary may be used:

a. To disclose information to Federal agencies (*e.g.,* Department of Justice) in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or competence, for use by the Office of the Solicitor in making required appeal determinations and related dispositions under the Freedom of Information Act or the Privacy Act of 1974.

b. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the appeal, and to identify the type of information involved in an appeal), where necessary to obtain information relative to a decision concerning a Freedom of Information or Privacy Act appeal.

c. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of the individual making the appeal. Electronic records are retrieved by the name of the appellant, the appellant's law firm, the original requester, the subject, the denying officer, the disposition date, and the case number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for six years until after final agency determination or three years after final court adjudication, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Solicitor of Labor, U.S. Department of Labor, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from:

a. The individual who is the subject of the records;

b. Official personnel documents of the agency, including records from any other agency system or records included in this notice;

c. Agency officials who responded initially to the Freedom of Information and Privacy Act requests;

d. Other sources whom the agency believes have information pertinent to an agency decision on a Freedom of Information or Privacy Act appeal.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Department of Labor has claimed exemptions for several of its other systems of records under 5 U.S.C. 552a(k)(1), (2), (3), (5), and (6). During the course of processing a Freedom of Information or Privacy Act appeal, exempt materials from those other systems may become part of the case record in this system. To the extent that copies of exempt records from those other systems are entered into these Freedom of Information and Privacy Act appeals files, the Department has claimed the same exemptions for the records as they have in the original primary system or records of which they are a part.

DOL/SOL–15

SYSTEM NAME:

Solicitor's Office Litigation Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National and regional locations of the Office of the Solicitor; and offices of the Department of Labor's Human Resources Center and personnel offices in Washington, DC, and regional locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Plaintiffs, defendants, respondents, witnesses and other individuals who may have provided information relating to, or who may have been involved in matters that are part of litigation in which the Department is involved.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records, including settlement agreements, gathered by the various Offices of the Solicitor. The records may be derived from materials filed with the Department, court records, pleadings, statements of witnesses, information received from Federal, State, local and foreign regulatory organizations and from other sources. The system also contains records that incorporate the work product of the various Solicitor offices and other privileged documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

These records are maintained for the purpose of prosecuting violations of labor laws, for defending lawsuits and claims brought against the Department, and for otherwise representing the Department in litigation matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Retention and disposal of the records will be governed in accordance with the applicable disposition instruction in the DOL/SOL Records Schedule DAA–0174–0006.

SYSTEM MANAGER(S) AND ADDRESS:

The appropriate Associate Solicitor, Regional Solicitor, or Associate Regional Solicitor, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 and regional offices.

NOTIFICATION PROCEDURE:

Inquiries should be mailed or presented to the appropriate System Manager at the address listed above.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager at the address listed above.

CONTESTING RECORD PROCEDURES:

A petition for amendments shall be addressed to the appropriate System Manager and must meet the requirements of 29 CFR 71.9.

RECORD SOURCE CATEGORIES:

Component agency investigative files; investigators; other law enforcement personnel; attorneys; witnesses; informants; other individuals; Federal, State and local agencies; opinion files; miscellaneous files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C.

552a(k)(2), this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(l), (e)(4)(G), (H), (I), and (f) of the Act. Disclosure of the information contained in this system to the subject of the record could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information than that already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information.

DOL/SOL–18

SYSTEM NAME:

Matter Management System (MMS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Silver Spring Data Center, 12401 Prosperity Drive, Silver Spring, MD 20904.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and paralegal specialists, individuals and/or parties involved in pending and active litigation, opinion and advice, and regulation review legal services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records which identify pending and active litigation, opinion and advice, and regulation review legal services provided to support DOL and its component agencies and the time spent by attorneys providing legal services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 552; and 5 U.S.C. 552a.

PURPOSE(S):

To provide information to manage resources, monitor operational performance and support budget activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SECURING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name of the attorney, paralegal specialist, and matter name which includes the name of individuals and/or parties involved in cases and other legal matters.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Retention and disposal of the records will be governed in accordance with the applicable disposition instruction in the DOL/SOL Records Schedule DAA–0174–0006.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Labor, Associate Solicitor, Office of Management and Administrative Legal Services, Office of the Solicitor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from litigation case files, opinion and advice files, and regulation review files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

The Department of Labor has claimed exemptions for several of its other systems of records under 5 U.S.C. 552a(k)(1), (2), (3), (5), and (6). During the course of processing a Freedom of Information or Privacy Act appeal, exempt materials from those other systems may become part of the case record in this system. To the extent that copies of exempt records from those other systems are entered into the Freedom of Information and Privacy Act appeals files, the Department has claimed the same exemptions for the records as they have in the original primary system or records of which they are a part.

DOL/SOL–19

SYSTEM NAME:

Evidence Management System (EMS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Contractor-based Data Centers, including one presently located at 13640 Briarwick Drive, Austin, Texas 78729, and the Data Center maintained by the U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and paralegal specialists; contractors and other staff employed or retained by SOL; individuals, entities and/or parties involved in pending and active litigation, investigation or facilitated resolution matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains documents and records received from individuals and private parties as well as federal, state, local and foreign governments and organizations, as well as additional analysis derived from these documents. These materials also include documents filed with or obtained by the Department of Labor, such as court records, pleadings, and witness statements. The system also contains records that incorporate the work product of the various SOL offices and other privileged documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 5 U.S.C. 552, and 5 U.S.C. 552a.

PURPOSE(S):

These records are maintained for the purpose of investigating and/or initiating enforcement actions involving alleged violations of federal labor laws, developing administrative regulations, and defending law suits and claims brought against the Department of Labor.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SECURING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically; source materials from which electronic files are derived may originate in hardcopy form.

RETRIEVABILITY:

Files are retrieved by plaintiff's name, defendant's name, case identification number, or other identifying information of individuals, entities and/or parties involved in pending and active litigation, investigation or facilitated resolution matters.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for associated paper files.

RETENTION AND DISPOSAL:

Retention and disposal of the records will be governed in accordance with the applicable disposition instruction in the DOL/SOL Records Schedule DAA–0174–0006.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Labor, Associate Solicitor, Office of Management and Administrative Legal Services, Office of the Solicitor, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from DOL employees, individuals, entities and other private parties as well as federal, state, local and foreign governments and organizations involved in pending and active litigation, investigation, oversight, or facilitated resolution matters.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

The Department of Labor has claimed exemptions for several of its other systems of records under 5 U.S.C. 552a(k)(1), (2), (3), (5), and (6). During the course of processing a Freedom of Information or Privacy Act appeal, exempt materials from those other systems may become part of the case record in this system. To the extent that copies of exempt records from those other systems are entered into the Freedom of Information and Privacy Act appeals files, the Department has claimed the same exemptions for the records as they have in the original primary system or records of which they are a part.

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of the Act. Disclosure of information could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information than that already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information.

VETS—DOL Veterans' Employment and Training Service Systems of Records

DOL/VETS–1

SYSTEM NAME:

Uniformed Services Employment and Reemployment Rights Act (USERRA) Complaint File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Veterans' Employment and Training Service (VETS') State Offices, Regional Offices, and National Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Complainants who are veterans, enlistees, examinees, reservists or members of the National Guard of the U.S. Armed Forces on active or reserve service or training duty, and other complainants.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records contains data related to civil investigations which include: Initial investigative complaint form, background, investigators' fact finding records, witness statements, supporting documents provided by claimants and employers, other information relevant to a determination of veterans reemployment rights.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

38 U.S.C. 4301 *et seq.*

PURPOSE:

Records are maintained for enforcement of federal laws pertaining to rights of veterans, reservists and members of the National Guard upon their return to pre-military civilian employment following periods of active and inactive military duty and related to non-discrimination based on such service or periods of duty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement, relevant records and information may be disclosed to the employer against whom a complaint has been made so that the complaint can proceed to a resolution. Disclosure may also be made when relevant and necessary to the Department of Veterans Affairs, to the Department of Defense, to the Department of Justice, and to the Office of Special Counsel when complaints have proceeded to an advanced stage.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name of complainant, name of employer, or assigned case number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained until litigation is completed, then transferred to Federal Records Center two years after cutoff. Records are destroyed when they are ten years old, except in case files involving pensions in which the claimant was not in retired status from his/her civilian employer at the time of cutoff; these will be retained for fifty years after cutoff (N1–174–88–1) and Veterans' Employment and Training Service Director's Memorandum 1–01 (Change-1). Limited electronic information is retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Investigations and Compliance, United States Department of Labor, Veterans' Employment and Training Service, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the Systems Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Veterans, Reserve and National Guard members, employees, employers, former employees, Departments of Defense, Department of Veterans Affairs, physicians, union officers and maybe the public.

SYSTEMS EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/VETS–2

SYSTEM NAME:

Veterans' Preference Complaint File under the Veterans Equal Opportunities Act of 1998 (VEOA).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Veterans' Employment and Training Service (VETS') State Offices, Regional Offices, and National Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans of the U.S. Armed Forces who believe that they have been denied veterans preference or other special considerations provided by law(s).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records contains materials related to civil investigations which include: Initial investigative complaint form, background, investigators' fact finding records, witness statements, supporting documents provided by claimants and employers, other information relevant to a determination of veterans preference consideration related to employment with Federal agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3330a.

PURPOSE:

Records are maintained for investigation of possible violations of federal laws pertaining to veterans' preference and other special consideration related to employment with Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USERS:

In addition to those universal routine uses listed in the General Prefatory Statement, records and information may be disclosed to the Federal employing agency against whom a complaint has been made so that the complaint can proceed to a conclusion. Disclosure of information that is relevant and necessary may also be made to the Office of Personnel Management and to the Merit Systems Protection Board.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by name of complainant or name of Federal agency.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained until the litigation is completed. The files are then transferred to Federal Records Center two years after cutoff. Records are destroyed when they are ten years old. [N1–174–88–1]. Limited electronic information is retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Investigations and Compliance, United States Department of Labor, Veterans' Employment and Training Service, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the Systems Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Veterans, Federal employment applicants or employing Federal agencies, former agency employees, Department of Defense, Department of Veterans Affairs, Office of Personnel Management, union officers and members of the public.

SYSTEMS EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/VETS–5

SYSTEM NAME:

Veterans' Data Exchange Initiative (VDEI)

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

The VDEI servers are located at the ByteGrid Data Center 12401 Prosperity Drive, Silver Spring Maryland, 20904.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Exiting Service Members (ESMs) participating in the United States Department of Defense (DOD) Pre-separation Counseling of the Transition Assistance Program (TAP) who complete documentation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in the system are for ESMs who participated in this program. Records contain the following personally identifiable information (PII) data for ESMs:

1. Branch
2. Name
3. Rank
4. SSN
5. Gender
6. Race
7. Basic Active Service Date
8. Expiration Service Date
9. Level of Education
10. Guard/Reserve Status
11. Date of Birth
12. Military Occupational Specialty
13. Type of Discharge
14. EDIPI (DOD Electronic Data Interchange Person Identifier)
15. Marital Status
16. Home of Record State Code
17. Home of Record Country Code
18. Citizenship
19. Email Address
20. Mailing Address Street Address
21. Mailing Address City
22. Mailing Address State Code
23. Mailing Address Zip Code
24. Date Began the Department of Labor Employment Workshop (DOL EW) During TAP
25. Date End DOL EW During TAP
26. Location DOL EW During TAP
27. Number of Dependents Under Eighteen
28. Armed Services Vocational Aptitude Battery (ASVAB)/Armed Forces Qualification Test (AFQT) Score
29. Medical Discharge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DMDC 01, Defense Manpower Data Center Data Base, November 23, 2011, 76 FR 72391; 38 U.S.C. 4102, Job Counseling, Training, and Placement Service for Veterans; and 10 U.S.C. 1142, Pre-separation Counselling; E.O. 9397.

PURPOSE(S):

To provide services to ESMs in areas of employment and training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The record is utilized by Department of Labor (DOL). DOL Veterans' Employment and Training Services (VETS) will be establishing an electronic connection to the TAP Data Retrieval Web Service (TDRWS) for the purposes of analyzing and evaluating veterans' data for gaining greater insight to facilitate a more comprehensive understanding of the veteran population; analyze and evaluate veterans' data (both aggregate and individual veterans' data) to enhance decision making within DOL on veteran programs and initiatives while also enhancing DOL's recommendations on veteran related issues; and to provide information that can support future DOL initiatives related to veterans, including enhanced outreach.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically.

RETRIEVABILITY:

Files are retrieved by:

a. Branch, Race, Level of Education, Length of Service, Military Occupational Specialty (MOS), Length of Service (Basic Active Service Date and Expiration Service Date), Marital Status, Gender, Medical Discharge, Number of Dependents Under 18 and Type of Discharge; or

b. EDIPI, Rank, Mailing Address Street Address, Mailing Address City, Mailing Address State Code, Mailing Address Zip Code, Mailing Address, Home of Record State Code, Home of Record Country Code, Length of TAP (Date Begun DOL EW TAP and Date End DOL EW TAP), Location of the DOL EW during TAP, Citizenship, Guard/Reserve status, and ASVAB score/AFQT score.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Agency Management and Budget United States Department of Labor Veterans' Employment and Training Service 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURE:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained within this system is obtained from the DOD/DMDC.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/VETS–6

SYSTEM NAME:

Veterans' Case Management System (VCMS)

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

The VCMS servers will be located at the ByteGrid Data Center 12401 Prosperity Drive, Silver Spring Maryland, 20904.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Public users initiating a USERRA or Veterans' Preference claim, VETS grantees, Federal staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Will maintain USERRA and Veterans' Preference investigations, Transition Assistant Program—Employment Workshop contract information and course participation and evaluation information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:

Records are maintained for investigation of possible violations of federal laws pertaining to veterans' preference, USERRA, and other special consideration related to employment with Federal agencies. Records are also maintained for analysis and reporting of the TAP Employment Workshop.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USERS:

In addition to those universal routine uses listed in the General Prefatory Statement, records and information may be disclosed to the Federal or private employing agency against whom a complaint has been made so that the complaint can proceed to a conclusion. Disclosure of information that is relevant and necessary may also be made to the Office of Personnel Management and to the Merit Systems Protection Board. The TAP Employment Workshop records will be used for analysis and reporting.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically.

RETRIEVABILITY:

Files are retrieved by name of complainant or name of private or Federal agency. For TAP Employment Workshop documents, the files will be retrieved via workshop site.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data.

WHD—DOL Wage and Hour Division Systems of Records

DOL/WHD–1

SYSTEM NAME:

"Time Report" Component of the Wage and Hour Investigative Support and Reporting Database (WHISARD).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Wage and Hour National Office (NO), Regional Offices (RO), and District Offices (DO). See the Appendix to this document for the addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Wage and Hour Division Investigators, Assistants, and Supervisors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include listing of hours worked distributed among the various programs Activities; leave records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide Wage and Hour District Directors a method of monitoring the activities of Investigators by providing a daily record of Investigator activities including expenditure of hours by case, Act, non-case activity, and a record of leave taken.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by name of the investigator, assistant, and supervisor.

SAFEGUARDS:

Accessed by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Printed forms generated by the WHISARD system will be retained by Wage and Hour in accordance with records disposal schedule N1–155–11–0003, Item 3. Database information will be deleted 12 years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210; Regional Administrators Wage and Hour Division.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager.

RECORD SOURCE CATEGORIES:

Records contained in this system include investigators, assistants and supervisors working in District Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/WHD–2

SYSTEM NAME:

MSPA Civil Money Penalties in the Wage Hour Investigative Support and Reporting Database (WHISARD).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Wage and Hour National Office (NO), Regional Offices (RO) and District Offices (DO), see The Appendix of this document for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons investigated and assessed civil money penalties (CMPs) under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contained in this system include names, addresses, Social Security numbers, complaint information, employer information, employer/employee interviews, payroll information, housing and/or vehicle inspection reports, outcome of investigation, notification of determination to assess a CMP, hearing requests and/or subsequent legal documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Migrant and Seasonal Agricultural Worker Protection Act, as amended (MSPA), 29 U.S.C. 1801 *et seq.*

PURPOSE(S):

To maintain records on persons assessed MSPA CMPs and all actions connected therewith.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE OF CONSUMER REPORT AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by employer name, Employer Identification Number, case file number or Act violated.

SAFEGUARDS:

Accessed by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records in this system are retained for 12 years, and then disposed of in accordance with Records Schedule N1–155–11–003, Item 3.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, Room S–3502, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Records in this system include information regarding the subject of the investigation, employer(s), employee(s) (present and/or former), insurance companies, other government agencies, court documents, and previous investigations (if applicable).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence.

DOL/WHD–3

SYSTEM NAME:

MSPA Public Central Registry Records File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Wage and Hour National Office (NO), Regional Offices (RO) and District Offices (DO), see the Appendix for addresses. This system is also available online at *http://www.dol.gov/whd/regs/statutes/FLCList.htm.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Holders of Farm Labor Contractor and Farm Labor Contractor Employee Certificates of Registration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records which contain the name, address, certificate of registration number, authorization to transport, house, or drive (if any), and effective and expiration dates of holders of Farm Labor Contractor and Farm Labor Contractor Employee Certificates of Registration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Migrant and Seasonal Agricultural Worker Protection Act, as amended (MSPA), 29 U.S.C. 1801 *et seq.*

PURPOSE(S):

To maintain a record of holders of Farm Labor Contractor and Farm Labor Contractor Employee Certificates of Registration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the routine uses listed in the General Prefatory Statement to this document, a public central registry of all persons issued certificates of registration is maintained by name and address which is available to anyone, upon request, as required by the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), as amended (Section 402). This registry is also electronically available through the Wage and Hour public Web site. Alternatively, section 500.170 of 29 CFR part 500 provides that requests for registry information may be made by telephone by calling a toll-free number (listed). This registry is the source for providing that information.

DISCLOSURE OF CONSUMER REPORT AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by name, Social Security Number (or Employer Identification Number), or Farm Labor Contractor Registration Number.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for five years from the date of the last certificate action (approval, denial, or revocation) in accordance with Records Schedule N1–155–11–003, Item 2a.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Records contained in this system include farm labor contractor and farm labor contractor employee applications and required documentation, certificates of registration, and determination letters.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/WHD–4

SYSTEM NAME:

Wage and Hour Clearance List—MSPA Registration.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Wage and Hour National Office (NO), Regional Offices (RO) and District Offices (DO), see the Appendix for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Farm labor contractors and farm labor contractor employees who may not currently meet eligibility requirements, as stated in the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) for issuance of a certificate of registration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing names, addresses, and social security numbers, outstanding unpaid CMPs under MSPA, injunctions, convictions, deportations, and previous actions to deny or revoke a certificate of registration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Migrant and Seasonal Agricultural Worker Protection Act, as amended (MSPA), 29 U.S.C. 1801 *et seq.*

PURPOSE(S):

To provide a list of persons who may not meet eligibility requirements for issuance of a farm labor contractor or farm labor contractor employee Certificate of Registration to be used as a reference document for screening incoming applications by Wage and Hour Regional Offices and to provide historical and current compliance information to Wage and Hour National, Regional, and District Offices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE OF CONSUMER REPORT AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by name or Social Security number (or Employer Identification Number).

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for five years from the date of the last certificate action (approval, denial, or revocation) in accordance with Records Schedule N1–155–11–003, Item 2.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Records contained in this system include insurance companies, FBI, court and police records, previous actions to deny or revoke certificates of registration, and from investigations conducted by DOL and subsequent legal documents following such investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/WHD–5

SYSTEM NAME:

MSPA Certificate Action Record Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Wage and Hour National Office and Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and holders of Farm Labor Contractor/Farm Labor Contractor Employee Certificates of Registration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, Social Security numbers, fingerprints, FBI records, insurance records, court and police records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Migrant and Seasonal Agricultural Worker Protection Act, as amended (MSPA), 29 U.S.C. 1801 *et seq.*

PURPOSE:

To maintain a record of persons whose applications for or previously issued Farm Labor Contractor/Farm Labor Contractor Employee Certificates of Registration have been denied or revoked and all subsequent actions connected therewith.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None except for these routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by the name of the applicant/holder.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for five years from the date of the last certificate action (approval, denial, or revocation) in accordance with Records Schedule N1–155–11–003, Item 2.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Records contained in this system include applicants, individuals, insurance companies, FBI, court and police records, and from investigations conducted by DOL.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence.

DOL/WHD–6

SYSTEM NAME:

Case Registration/Investigator Assignment Form in the Wage and Hour Investigative Support and Reporting Database (WHISARD).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Wage and Hour National Office (NO), Regional Offices (RO), and District Offices (DO); see the Appendix of this document for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Wage and Hour Investigators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing name and address, case investigation number, investigation program, investigating office, prior history of investigations, and investigating officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide Wage and Hour DOs with a record of employers currently undergoing investigation by Wage and Hour within the jurisdiction of that particular DO. Used to record the initial scheduling of an investigation, assignment to an Investigator and subsequent actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those universal routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE OF CONSUMER REPORT AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by name of employer, by North American Industrial Code (NAIC) and/or Employer Identification Number (EIN).

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Printed forms generated by the WHISARD system will be retained by Wage and Hour in accordance with records disposal schedule N1–155–11–0003, Item 3. Database information will be deleted 12 years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, Room S–3502, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Records in this system are obtained from complainants, employers, and Wage and Hour personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence.

DOL/WHD–7

SYSTEM NAME:

Migrant and Seasonal Agricultural Worker Protection Act (MSPA) Ineligible Farm Labor Contractors.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This list is available online to the public at *http://www.dol.gov/whd/regs/statutes/mspa_debar.htm*. It is also available at the Wage and Hour National Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration has been revoked or whose application for such certificate has been denied and such action has become a final and unappealable Order of the Secretary of Labor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing the names and addresses of persons whose certificates of registration have been revoked or application for a certificate of registration have been denied in which the complete administrative process has become final.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Migrant and Seasonal Agricultural Worker Protection Act, as amended (MSPA), 29 U.S.C. 1801 *et seq.*

PURPOSE:

To provide a written listing of individuals who may not legally engage in any activity as a farm labor contractor or farm labor contractor employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information contained in this system is available to the public on the DOL.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for five years from the date of the last certificate action (approval, denial, or revocation) in accordance with Records Schedule N1–155–11–003, Item 2a.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, 200 Constitution Avenue NW., Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Records in the system include information furnished by the applicant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/WHD–8

SYSTEM NAME:

Customer Service Component of the Wage Hour Investigative Support and Reporting Database (WHISARD).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Wage and Hour National Office (NO), Regional Offices (RO) and District Offices (DO), see The Appendix of this document for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who contact the Wage and Hour Division for technical assistance or to file a complaint.

CATEGORIES OF RECORDS IN THE SYSTEM:

"Browse Customer List" records containing last name, first name, phone number, address, city, complaint status, case identification number, WH employee name, and contact priority.

"Employee Contact Information" records containing home address, phone numbers, fax number, email address and certain information about the individual's complaint.

"Employee Work Information" records containing certain employment and payroll information about the individual's complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 29 U.S.C. 201 *et seq.*

PURPOSE(S):

To provide Wage and Hour NO, ROS and DOs with an index of individuals who contact the Wage and Hour Division. This information may be used to provide assistance or facilitate the processing of a complaint.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the routine uses listed in the General Prefatory Statement to this document, relevant information may be provided to other government agencies for law enforcement purposes.

DISCLOSURE OF CONSUMER REPORT AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Records are retrieved by the name of the individual.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Printed forms generated by the WHISARD system will be retained by Wage and Hour in accordance with records disposal schedule N1–155–11–0003, Item 3. Database information will be deleted 12 years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, Room S–3502, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Individuals wishing to make inquiries regarding this system should contact the system manager, or the regional office servicing the state where they are employed (see list of the regional office addresses in the Appendix of this document).

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to these records should contact the appropriate office listed in the Appendix.

CONTESTING RECORD PROCEDURES:

Individuals wishing to contest or amend any records should direct their request to the appropriate system manager. In addition, the request should state clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment sought for the information.

RECORD SOURCE CATEGORIES:

Complainants, employers, and Wage and Hour personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/WHD–9

SYSTEM NAME:

Farm Labor Contractor Registration File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

All Wage and Hour Regional Offices and the Florida Department of Labor andand Employment Security, Agricultural Programs Section located in Tallahassee, Florida.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and holders of Farm Labor Contractor Certificates of Registration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records, which contain personal identification, fingerprints, FBI records, insurance records, court and police records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Migrant and Seasonal Agricultural Worker Protection Act, as amended (MSPA), 29 U.S.C. 1801 *et seq.*

PURPOSE:

To maintain a record of applicants for and holders of Farm Labor Contractor Certificates of Registration. Records are used to determine eligibility for issuance of a certificate of registration and for determining compliance with MSPA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, relevant and necessary information may be disclosed to the Wage and Hour National Office, Regional Offices, and District Offices for determining compliance with MSPA, and to the system manager of DOL/WHD–3, MSPA Public Central Register Records File, for the purpose of preparing its list.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of the applicant/holder.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked locations for paper files.

RETENTION AND DISPOSAL:

Records are retained for five years, and then disposed of in accordance with Records Schedule N1–155–11–003, Item 2a.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, 200 Constitution Avenue NW., Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the applicant, insurance companies, FBI, court and police records, and from investigations conducted by DOL.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/WHD–10

SYSTEM NAME:

Farm Labor Contractor Employee Registration File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

All Wage and Hour Regional Offices and the Florida Department of Labor and Employment Security, Agricultural Programs Section located in Tallahassee, Florida.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and holders of Farm Labor Contractor Employee Certificates of Registration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records which contain personal identification, fingerprints, FBI records, insurance records, court and police records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Migrant and Seasonal Agricultural Worker Protection Act, as amended (MSPA), 29 U.S.C. 1801 *et seq.*

PURPOSE:

To maintain a record of applicants for and holders of Farm Labor Contractor Employee Certificates of Registration. Records are used to determine eligibility for issuance of a certificate of registration and for determining compliance with MSPA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those universal routine uses listed in the General Prefatory Statement to this document, relevant and necessary information may be disclosed to the Wage and Hour National Office, Regional Offices, and District Offices for determining compliance with MSPA, and to the system manager of DOL/WHD–3, MSPA Public Central Register Records File, for the purpose of preparing its list.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored electronically and/or on paper.

RETRIEVABILITY:

Files are retrieved by the name of the applicant/holder.

SAFEGUARDS:

Access by authorized personnel only. Computer security safeguards are used for electronically stored data and locked location for paper files.

RETENTION AND DISPOSAL:

Records are retained for five years, and then disposed of in accordance with Records Schedule N1–155–11–003, Item 2a.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, 200 Constitution Avenue NW., Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices.

NOTIFICATION PROCEDURE:

Inquiries should be mailed to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the applicant, insurance companies, FBI, court and police records, and from investigations conducted by DOL.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

E. The Department of Labor's Decommissioned System of Records

The systems of records listed in the chart below are obsolete and, thus are being decommissioned.

DOL/BLS–6	Applicant Race and National Origin (ARNO) System, Form E 618.
DOL/BLS–7	BLS Employee Conduct Investigation.
DOL/BLS–12	Employee Acknowledgement Letter Control System.
DOL/ESA–32	Employee Conduct Investigation.
DOL/ESA–39	State Employment Service Clearance List—MSPA Registration.
DOL/ESA–40	MSPA Tracer List.
DOL/ESA–43	Office of Workers' Compensation Programs, Federal Employees Compensation Act and Longshore and Harbor Workers' Compensation Act Rehabilitation Files.
DOL/ESA–47	Youth Peddler Bulletin Board.
DOL/ESA–52	Wage-Hour Financial Accounting System (WFAS).
DOL/ETA–15	DOL/ETA Evaluation, Research Pilot or Demonstration Contractors' Project Files.
DOL/ETA–22	ETA Employee Conduct Investigations.
DOL/ETA–25	DOL/ETA Evaluation, Research Project of the Unemployment Compensation System.
DOL/ETA–26	Standardized Program Information Report (SPIR).
DOL/ETA–27	Youth Opportunity Grant Program Information Files.
DOL/ETA–28	Senior Community Service Employment Program Information Files.
DOL/MSHA–3	Metal and Nonmetal Mine Safety and Health Management Information System.
DOL/MSHA–10	Discrimination Investigations.
DOL/MSHA–13	Coal Mine Respirable Dust Program.
DOL/MSHA–15	Health and Safety Training and Examination Records.
DOL/MSHA–18	Coal Mine Safety and Health Management Information System.
DOL/MSHA–19	Employee Conduct Investigations.
DOL/MSHA–20	Civil/Criminal Investigations.
DOL/MSHA–21	Assessment and Civil Penalty Debt Collection Activity and Reporting System.
DOL/MSHA–24	Radon Daughter Exposure.
DOL/OALJ–3	Contract List.
DOL/OALJ–4	Notification List.
DOL/OASAM–23	Travel Management Center.

DOL/OASAM–24	Privacy Act/Freedom of Information Act Requests File System.
DOL/OASAM–33	Entity Database.
DOL/OASAM–36	People Power.
DOL/OCFO–1	Attendance, Leave, and Payroll File.
DOL/OIG–1	Investigative Files, Case Tracking System, Analysis, Complaints and Evaluation Files, USDOL/OIG.
DOL/OIG–2	Investigative Case Files, Case Development and Intelligence Records.
DOL/OIG–3	Investigative Case Files, Case Development and Intelligence Records.
DOL/OSBP–1	Office of Small Business Programs, Small Entity Inquiry and Complaint Tracking System.
DOL/OSBP–2	Department of Labor Advisory Committee Members File.
DOL/OSHA–12	OSHA Employee Conduct Investigations.
DOL/OSHA–13	OSHA Office of Training and Education Automated Registration System.
DOL/PWBA–2	PWBA Investigation Management Files.
DOL/PWBA–7	Employee Conduct Investigations.
DOL/PWBA–10	PWBA Civil Litigation Case Information System.
DOL/PWBA–11	PWBA Criminal Case Information System.
DOL/PWBA–12	Publication Hotline Requests.
DOL/PWBA–14	Investment Advisor Registration Database.
DOL/PWBA–15	PWBA Inventory Management Database.
DOL/SOL–7	Solicitor's Legal Activity Recordkeeping System.
DOL/SOL–13	Employee Conduct Investigations.
DOL/SOL–17	Solicitor's Office Equipment Files.
DOL/VETS–4	VETS Employee Conduct Investigations.
DOL/VETS–3	Transition Assistance Program.

Editorial Note: The Federal Register received this notice on April 20, 2016.

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Department of the Interior

Bureau of Safety and Environmental Enforcement

30 CFR Part 250
Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control; Final Rule

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

[Docket ID: BSEE–2015–0002; 15XE1700DX EEEE500000 EX1SF0000.DAQ000]

RIN 1014–AA11

Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Final rule.

SUMMARY: Bureau of Safety and Environmental Enforcement (BSEE) is finalizing new regulations to consolidate into one part the equipment and operational requirements that are found in various subparts of BSEE's regulations pertaining to offshore oil and gas drilling, completions, workovers, and decommissioning. This final rule focuses on blowout preventer (BOP) and well-control requirements, including incorporation of industry standards and revision of existing regulations, and adopts reforms in the areas of well design, well control, casing, cementing, real-time well monitoring, and subsea containment. The final rule also addresses and implements multiple recommendations resulting from various investigations of the *Deepwater Horizon* incident. This final rule will also incorporate guidance from several Notices to Lessees and Operators (NTLs) and revise provisions related to drilling, workover, completion, and decommissioning operations to enhance safety and environmental protection.

DATES: This final rule becomes effective on July 28, 2016. Compliance with certain provisions of the final rule, however, will be deferred until the times specified in those provisions and as described in Part III of the preamble.

The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of July 28, 2016.

FOR FURTHER INFORMATION CONTACT: Kirk Malstrom, Regulations and Standards Branch, (202) 258–1518, or by email: *regs@bsee.gov*.

SUPPLEMENTARY INFORMATION:

List of Acronyms and References

ANSI	American National Standards Institute
APA	Administrative Procedure Act
APD	Application for Permit to Drill
API	American Petroleum Institute
APM	Application for Permit to Modify
BAST	Best Available and Safest Technologies
BAVO	BSEE-Approved Verification Organization
BOP	Blowout Preventer
BOEM	Bureau of Ocean Energy Management
BSEE	Bureau of Safety and Environmental Enforcement
BSR	Blind Shear Ram
CFR	Code of Federal Regulations
CVA	Certified Verification Agent
DHS	Department of Homeland Security
DOCD	Development Operations Coordination Document
DOI	Department of the Interior
DPP	Development and Production Plan
DWOPs	Deepwater Operations Plans
ECD	Equivalent Circulating Density
EDS	Emergency Disconnect Sequence
E.O.	Executive Order
EOR	End of Operations Report
EP	Exploration Plan
F	Fahrenheit
FOIA	Freedom of Information Act
FPSs	Floating Production Systems
FPSO	Floating Production, Storage, and Offloading Unit
FSHR	Free Standing Hybrid Risers
GOM	Gulf of Mexico
GOMR	Gulf of Mexico region
GPS	Global Positioning Systems
HPHT	High Pressure High Temperature
IC	Information Collection
IEC	International Electrotechnical Commission
ISO	International Organization for Standardization
JIT	Joint Investigation Team
LMRP	Lower Marine Riser Package
LWC	Loss of Well Control
MASP	Maximum Anticipated Surface Pressure
MAWHP	Maximum Anticipated Wellhead Pressure
MIA	Mechanical Integrity Assessment
MMS	Minerals Management Service
MODUs	Mobile Offshore Drilling Units
NAE	National Academy of Engineering
NAICS	North American Industry Classification System
NARA	National Archives and Records Administration
NAS	National Academy of Sciences
National Commission	National Commission on the BP *Deepwater Horizon* Oil Spill and Offshore Drilling
NIST	National Institute of Standards and Technology
NTLs	Notices to Lessees and Operators
NTTAA	National Technology Transfer and Advancement Act
OCS	Outer Continental Shelf
OCSLA	Outer Continental Shelf Lands Act
OEM	Original Equipment Manufacturer
OFR	Office of Federal Register
OIRA	Office of Information and Regulatory Affairs
OMB	Office of Management and Budget
PEs	Professional Engineers
ppg	Pounds per gallon
psi	Pounds per square inch
QA/QC	Quality Assurance/Quality Control
RCD	Regional Containment Demonstration
RFA	Regulatory Flexibility Act
RIA	Regulatory Impact Analysis
RIN	Regulation Identifier Number
ROT	Remotely Operated Tools
ROV	Remotely-Operated Vehicle
RP	Recommended Practice
RTM	Real-Time Monitoring
SBA	Small Business Administration
SBREFA	Small Business Regulatory Enforcement Fairness Act of 1996
SCCE	Source Control and Containment Equipment
Secretary	Secretary of the Interior
SEM	Subsea Electronic Module
SEMS	Safety and Environmental Management Systems
SIMOPS	Simultaneous Operations
Spec.	Specification
TAR	Technical Assessment and Research
TBT Agreement	Technical Barriers to Trade Agreement
TIA	Takings Implication Analysis
TLPs	Tension Leg Platforms
TVD	True Vertical Depth
USCG	United States Coast Guard
VBR	Variable Bore Ram
VSL	Value of a Statistical Life
WAR	Well Activity Report
WTO	World Trade Organization

Executive Summary

Following the devastating impacts of the April 20, 2010, *Deepwater Horizon* incident on the Gulf of Mexico (GOM) and the surrounding states and local communities, multiple investigations were conducted to determine the causes of the incident and to make recommendations to reduce the likelihood of a similar incident in the future. The investigative groups included:

—Department of the Interior (DOI)/Department of Homeland Security (DHS) Joint Investigation Team;
—National Commission on the BP *Deepwater Horizon* Oil Spill and Offshore Drilling;
—Chief Counsel for the National Commission; and
—National Academy of Engineering.

Each investigation outlined several recommendations to improve offshore safety. BSEE evaluated the recommendations and acted on a number of them quickly to improve offshore operations, while BSEE's decision making with respect to other recommendations followed additional input from industry and other stakeholders.

In April 2015, BSEE proposed regulations to, among other things, incorporate industry standards and NTL guidance; consolidate into one part the existing equipment and operational requirements that are found in various parts of BSEE's regulations; to revise and improve existing requirements for well design and control, casing and cementing; and to add new requirements for real-time monitoring

(RTM) and subsea containment. The proposed regulations also addressed many of the recommendations made by the previously listed investigative bodies, which found a need to incorporate well-control best practices to advance safety and protection of the environment. BSEE received over 176 public comments on the proposed rule, and considered those comments in developing these final regulations.

The requirements in this final rule, including the revisions made to the proposed regulations, reflect BSEE's consideration of the comments and BSEE's commitment to address the recommendations made in the *Deepwater Horizon* reports. This final rulemaking:

(1) Incorporates all or designated portions of the following industry standards:

—American Petroleum Institute (API) Standard 53, Blowout Prevention Equipment Systems for Drilling Wells, Fourth Edition, November 2012;
—API Recommended Practice (RP) 2RD—Design of Risers for Floating Production Systems and Tension-Leg Platforms, First Edition, June 1998; Reaffirmed May 2006, Errata June 2009;
—API Specification (Spec.) Q1—Specification for Quality Management System Requirements for Manufacturing Organizations for the Petroleum and Natural Gas Industry, Eighth Edition, December 2007, Effective Date: June 15, 2008;
—American National Standards Institute (ANSI)/API Specification (Spec.) 11D1, Packers and Bridge Plugs Second Edition, Effective Date: January 1, 2010;
—API RP 17H, Remotely Operated Tools and Interfaces on Subsea Production Systems, First Edition, July 2004, Reaffirmed: January 2009;
—ANSI/API Spec. 6A, Specification for Wellhead and Christmas Tree Equipment, Nineteenth Edition, July 2004; Effective Date: February 1, 2005;
—ANSI/API Spec. 16A, Specification for Drill-through Equipment, Third Edition, June 2004;
—API Spec. 16C, Specification for Choke and Kill Systems First Edition, January 1993;
—API Spec. 16D, Specification for Control Systems for Drilling Well Control Equipment and Control Systems for Diverter Equipment, Second Edition, July 2004; and
—ANSI/API Spec. 17D, Design and Operation of Subsea Production Systems—Subsea Wellhead and Tree Equipment, Second Edition; May 2011.

(2) Revises the requirements for Deepwater Operations Plans (DWOPs), which are required to be submitted to BSEE under specific circumstances, to add requirements on free standing hybrid risers (FSHR) for use with floating production, storage, and offloading units (FPSO).

(3) Revises 30 CFR part 250, subpart D, *Oil and Gas Drilling Operations,* to include requirements for:

—Safe drilling margins;
—Wellhead descriptions;
—Casing or liner centralization during cementing; and
—Source control and containment.

(4) Revises subparts E, *Oil and Gas Well-Completion Operations,* and F, *Oil and Gas Well-Workover Operations,* to include requirements for:

—Packer and bridge plug design; and
—Production packer setting depth.

(5) Revises Subpart Q, *Decommissioning Activities,* to include requirements for:

—Packer and bridge plug design;
—Casing bridge plugs; and
—Decommissioning applications and reports.

(6) Adds new subpart G, *Well Operations and Equipment,* and moves existing requirements that were duplicated in subparts D, E, F, and Q into new subpart G including:

—Rig and equipment movement reports;
—RTM; and
—Revised BOP requirements; including:
—Design and manufacture/quality assurance;
—Accumulator system capabilities and calculations;
—BOP and remotely operated vehicle (ROV) capabilities;
—BOP functions (*e.g.*, shearing);
—Improved and consistent testing frequencies;
—Maintenance;
—Inspections;
—Failure reporting;
—Third-party verification; and
—Additional submittals to BSEE, including up-to-date schematics.

(7) Incorporates the guidance from several NTLs into subpart G for:

—Global Positioning Systems (GPS) for Mobile Offshore Drilling Units (MODUs);
—Ocean Current Monitoring;
—Using Alternate Compliance in Safety Systems for Subsea Production Operations;
—Standard Reporting Period for the Well Activity Report (WAR); and
—Information to include in the WARs and End of Operations Reports (EOR).

Based on BSEE's economic analysis of available data, this final rule will be cost-beneficial. The estimated overall cost of the rule (outside those costs that are part of the economic baseline) over 10 years will be exceeded by the time-savings benefits to the industry resulting from the revisions to the former requirements for BOP pressure testing frequency for workovers and decommissionings. In addition, the final rule will also produce benefits to society, both quantifiable and unquantifiable, by reducing the probability of well control incidents involving oil spills.

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I. Background

A. BSEE

BSEE was established on October 1, 2011, as part of a major restructuring of DOI's offshore oil and gas regulatory programs to improve the management and oversight of, and accountability for, activities on the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) announced the division of responsibilities of the former Minerals Management Service (MMS) among two new bureaus and one office within DOI in Secretarial Order No. 3299, issued on May 19, 2010. BSEE, one of the two new bureaus, assumed responsibility for "safety and environmental enforcement functions including, but not limited to, the authority to permit activities, inspect, investigate, summon witnesses and [require production of] evidence[;] levy penalties; cancel or suspend activities; and oversee safety, response and removal preparedness." (See 76 FR 64431, October 18, 2011).

B. BSEE Statutory and Regulatory Authority and Responsibilities

BSEE derives its authority primarily from the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331–1356a. Congress enacted OCSLA in 1953, authorizing the Secretary of Interior to lease the OCS for mineral development, and to regulate oil and gas exploration, development, and production operations on the OCS. The Secretary has delegated authority to perform certain of these functions to BSEE.

To carry out its responsibilities, BSEE regulates offshore oil and gas operations to enhance the safety of offshore exploration and development of oil and gas on the OCS and to ensure that those operations protect the environment and implement advancements in technology. BSEE also conducts onsite inspections to assure compliance with regulations, lease terms, and approved plans. Detailed information concerning BSEE's regulations and guidance to the offshore oil and gas industry may be found on BSEE's website at: ***http://www.bsee.gov/Regulations-and-Guidance/index.***

BSEE's regulatory program covers a wide range of facilities and activities, including drilling, completion, workover, production, pipeline, and decommissioning operations. Drilling, completion, workover, and decommissioning operations are types of well operations that offshore operators[1] perform throughout the OCS. These well operations are the primary focus of this rulemaking.

C. Purpose and Summary of the Rulemaking

A primary purpose of this rulemaking is to prevent future well-control incidents, including major incidents like the 2010 *Deepwater Horizon* catastrophe. In addition to the loss of 11 lives, that single event resulted in the release of 134 million gallons of oil, which spread over 43,300 square miles of the GOM and 1,300 miles of shoreline in several states. The environmental and other damages caused by the *Deepwater Horizon* incident were immense and have had long-lasting and widespread impacts on the Gulf and the affected states. For example, as part of a settlement agreement between BP and Federal and state governments, BP has agreed to pay over $8 billion for natural resources damages caused by the spill and for the restoration of natural resources in the Gulf of Mexico region (GOMR).[2] Those damages include severe adverse effects on wildlife, wetlands and other wildlife habitat, recreation and tourism, and commercial fishing. The *Deepwater Horizon* Natural Resource Damage Assessment (NRDA) Trustees have determined that "the ecological scope of impacts from the *Deepwater Horizon* incident was unprecedented, with injuries affecting a wide array of linked resources across the northern Gulf ecosystem." The released oil "was toxic to a wide range of organisms, including fish, invertebrates, plankton, birds, turtles, and mammals . . . [and] caused a wide array of toxic effects, including death, disease, reduced growth, impaired reproduction, and physiological impairments that made it more difficult for organisms to survive and reproduce."[3] In addition, state and local government economic damage claims arising from the *Deepwater Horizon* incident were significant and have been settled for another $5.9 billion.[4]

In addition, despite new regulations and improvements in industry standards and practices since the *Deepwater Horizon* incident, which have resulted in progress in certain areas of safety and environmental protection, loss of well control (LWC) incidents are happening at about the same rate five years after that incident as they were before. In 2013 and 2014, there were 8 and 7 LWC incidents per year, respectively—a rate on par with pre-*Deepwater Horizon* LWCs.[5] Some of these LWC incidents have resulted in blowouts, such as the 2013 Walter Oil and Gas incident that resulted in an explosion and fire on the rig. All 44 workers were safely evacuated, but the fire lasted over 72 hours and the rig was completely destroyed, resulting in a financial loss approaching $60 million. This incident occurred in part due to the crew's inability to identify critical well control indicators and to the failure of critical well control equipment.[6] Blowouts such as these can lead to much larger incidents that pose a significant risk to human life and can cause serious environmental damage.

Ensuring the integrity of the wellbore and maintaining control over the pressure and fluids during well operations are critical aspects of protecting worker safety and the environment. The investigations that followed the *Deepwater Horizon* incident, in particular, documented gaps or deficiencies in the OCS regulatory programs and made numerous recommendations for improvements. Accordingly, on April 17, 2015, BSEE proposed to consolidate its existing well-control rules into one subpart of the regulations, and to adopt new and revised regulatory requirements that address many of those recommendations, including those related to BOP system design, performance, and reliability. (*See* 80 FR 21504.)

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[1] BSEE's regulations at 30 CFR part 20 generally apply to "a lessee, the owner or holder of operating rights, a designated operator or agent of the lessee(s) . . ." covered by the definition of "you" in § 250.105. For convenience, this preamble will refer to all of the regulated entities as "operators" unless otherwise indicated.

[2] A summary and details of the recently approved natural resources damages settlement between BP and Federal and state governments are available at *www.doi.gov/deepwaterhorizon* and at *http://www.justice.gov/enrd/deepwater-horizon.*

[3] *Deepwater Horizon* NRDA Trustees, Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement, at p. 1–14–1–15. On March 22, 2016, the NRDA Trustees issued a Record of Decision setting forth the basis for the Trustees' decision to select the comprehensive, integrated ecosystem restoration alternative (described in Final PDARP/PEIS Sections 5.5 and 5.10). More details regarding the findings of the Federal and state *Deepwater Horizon* NRDA Trustees as to natural resources impacts from the *Deepwater Horizon* incident may be found at: *http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan/.*

[4] *https://www.justice.gov/enrd/deepwater-horizon.*

[5] *See http://www.bsee.gov/uploadedFiles/BSEE/BSEE_Newsroom/Publications_Library/Annual_Report/BSEE%202014%20Annual%20Report.pdf.*

[6] *See* BSEE, DOI, *Investigation of Loss of Well Control and Fire South Timbalier Area Block 220, Well. No. A–3 OCS–G24980—23 July 2013* (July 2015), at *http://www.bsee.gov/uploadedFiles/BSEE/Enforcement/Accidents_and_Incidents/Panel_Investigation_Reports/ST%20220%20Panel%20Report9_8_2015.pdf.*

Because BOP equipment and systems are critical components of many well operations, BSEE recognized that it was important to collect the best ideas on the prevention of well-control incidents and blowouts to assist in the development of the proposed rule. This included the knowledge, skillset, and experience possessed by the offshore oil and gas industry. Accordingly, BSEE participated in meetings, training, and workshops with industry, standards setting organizations, and other stakeholders in developing the proposed rule. (*See* 80 FR 21508–21509.)

The proposed rule discussed in detail topics such as:

- Implementing many of the recommendations related to well-control equipment.
- Increasing the performance and reliability of well-control equipment, especially BOPs.
- Improving regulatory oversight over the design, fabrication, maintenance, inspection, and repair of critical equipment.
- Gaining information on leading and lagging indicators of BOP component failures, identifying trends in those failures, and using that information to help prevent incidents.
- Ensuring that the industry uses recognized engineering practices, as well as innovative technology and techniques to increase overall safety.

To help ensure the development of effective regulations, the proposed rule used a hybrid regulatory approach incorporating prescriptive requirements, where necessary, as well as many performance-based requirements. BSEE recognizes the advantages and disadvantages of both approaches and understands that each approach could be effective and appropriate for specific circumstances.

A full discussion of these topics, along with other background and regulatory history, is contained in the notice of proposed rulemaking (*see* 80 FR 21504), which may be found on BSEE's website at *http://www.bsee.gov/Regulations-and-Guidance/Regulations-In-Development/*, and in the public docket for this rulemaking at: *http://www.regulations.gov* (in the Search box, enter BSEE–2015–0002, then click "search").

D. Availability of Incorporated Documents for Public Viewing

BSEE frequently uses standards (*e.g.*, codes, specifications, RPs) developed through a consensus process, facilitated by standards development organizations and with input from the oil and gas industry, as a means of establishing requirements for activities on the OCS. BSEE may incorporate these standards into its regulations without republishing the standards in their entirety in the Code of Federal Regulations (CFR), a practice known as incorporation by reference. The legal effect of incorporation by reference is that the incorporated standards become regulatory requirements. This incorporated material, like any other properly issued regulation, has the force and effect of law, and BSEE holds operators, lessees and other regulated parties accountable for complying with the documents incorporated by reference in our regulations. We currently incorporate by reference over 100 consensus standards in BSEE's regulations governing offshore oil and gas operations (*see* 30 CFR 250.198).

Federal regulations, at 1 CFR part 51, govern how BSEE and other Federal agencies incorporate various documents by reference. Agencies may only incorporate a document by reference by publishing in the **Federal Register** the document title, edition, date, author, publisher, identification number, and other specified information. The Director of the Federal Register must approve each publication incorporated by reference in a final rule. Incorporation by reference of a document or publication is limited to the specific edition cited by the agency in the final rule and approved by the Director of the Federal Register.

BSEE incorporates by reference in its regulations many oil and gas industry standards in order to require compliance with those standards in offshore operations. When a copyrighted publication is incorporated by reference into BSEE regulations, BSEE is obligated to observe and protect that copyright. BSEE provides members of the public with website addresses where these standards may be accessed for viewing—sometimes for free and sometimes for a fee. Standards development organizations decide whether to charge a fee. One such organization, API, provides free online public access to review its key industry standards, including a broad range of technical standards. These standards represent almost one-third of all API standards and include all that are safety-related or are incorporated into Federal regulations. Several of those standards are incorporated by reference in this final rule. In addition to the free online availability of these standards for viewing on API's website, hardcopies and printable versions are available for purchase from API. The API website address is: *http://www.api.org/publications-standards-and-statistics/publications/government-cited-safety-documents*.[7]

For the convenience of members of the viewing public who may not wish to purchase or view these incorporated documents online, they may be inspected at BSEE's offices, 45600 Woodland Road, Sterling, Virginia 20166; phone: 703–787–1665; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

E. Summary of Documents Incorporated by Reference

This rulemaking is substantive in terms of the content that is explicitly stated in the rule text itself, and it also incorporates by reference certain technical standards and specifications concerning BOPs and well control. A brief summary of each standard or specification follows.

API Standard 53—Blowout Prevention Equipment Systems for Drilling Wells

This standard provides requirements for the installation and testing of blowout prevention equipment systems whose primary functions are to confine well fluids to the wellbore, provide means to add fluid to the wellbore, and allow controlled volumes to be removed from the wellbore. BOP equipment systems are comprised of a combination of various components that are covered by this document. Equipment arrangements are also addressed. The components covered include: BOPs including installations for surface and subsea BOPs; choke and kill lines; choke manifolds; control systems; and auxiliary equipment.

This standard also provides new industry best practices related to the use of dual shear rams, maintenance and testing requirements, and failure reporting.

Diverters, shut-in devices, and rotating head systems (rotating control devices) whose primary purpose is to safely divert or direct flow rather than to confine fluids to the wellbore are not addressed. Procedures and techniques for well control and extreme temperature operations are also not included in this standard.

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[7] To review these standards online, go to the API publications website at: *http://publications.api.org*. You must then log-in or create a new account, accept API's "Terms and Conditions," click on the "Browse Documents" button, and then select the applicable category (*e.g.*, "Exploration and Production") for the standard(s) you wish to review.

API RP 2RD—Design of Risers for Floating Production Systems and Tension-Leg Platforms

This standard addresses structural analysis procedures, design guidelines, component selection criteria, and typical designs for all new riser systems used on Floating Production Systems (FPSs) and Tension-Leg Platforms (TLPs). The presence of riser systems within an FPS has a direct and often significant effect on the design of all other major equipment subsystems. This RP includes recommendations on: (1) Configurations and components; (2) general design considerations based on environmental and functional requirements; and (3) materials considerations in riser design.

API Spec. Q1—Specification for Quality Management System Requirements for Manufacturing Organizations for the Petroleum and Natural Gas Industry

This specification establishes the minimum quality management system requirements for organizations that manufacture products or provide manufacturing-related processes under a product specification for use in the petroleum and natural gas industry. This standard requires that equipment be fabricated under a quality management system that provides for continual improvement, emphasizing defect prevention and the reduction of variation and waste in the supply chain and from service providers. The goal of this specification is to increase equipment reliability through better manufacturing controls.

API Spec. 6A—Specification for Wellhead and Christmas Tree Equipment

This specification defines minimal requirements for the design of valves, wellheads and Christmas tree equipment that is used during drilling and production operations. This specification includes requirements related to dimensional and functional interchangeability, design, materials, testing, inspection, welding, marking, handling, storing, shipment, purchasing, repair and remanufacture.

ANSI/API Spec. 11D1—Packers and Bridge Plugs

This specification provides minimum requirements and guidelines for packers and bridge plugs used downhole in oil and gas operations. The performance of this equipment is often critical to maintaining control of a well during drilling or production operations. This specification provides requirements for the functional specification and technical specification, including design, design verification and validation, materials, documentation and data control, repair, shipment, and storage.

ANSI/API Spec. 16A—Specification for Drill-through Equipment

This specification defines requirements for performance, design, materials, testing and inspection, welding, marking, handling, storing and shipping of BOPs and drill-through equipment used for drilling for oil and gas. It also defines service conditions in terms of pressure, temperature and wellbore fluids for which the equipment will be designed. This standard is applicable to, and establishes requirements for, the following specific equipment: Ram BOPs; ram blocks, packers and top seals; annular BOPs; annular packing units; hydraulic connectors; drilling spools; adapters; loose connections; and clamps. Conformance to this standard is necessary to ensure that this critical safety equipment has been designed and fabricated in a manner that ensures reliable performance.

API Spec. 16C—Specification for Choke and Kill Systems

This specification was formulated to provide for safe and functionally interchangeable surface and subsea choke and kill systems equipment utilized for drilling oil and gas wells. This equipment is used during emergencies to circulate out a "kick" and, therefore, the design and fabrication of the components is extremely important. This document provides the minimum requirements for performance, design, materials, welding, testing, inspection, storing and shipping. Equipment specific to and covered by this specification includes: Actuated valve control lines; articulated choke and kill lines; drilling choke actuators; drilling choke control lines, exclusive of BOP control lines; subsurface safety valve control lines; drilling choke controls; drilling chokes; flexible choke and kill lines; union connections; rigid choke and kill lines; and swivel unions.

API Spec. 16D—Specification for Control Systems for Drilling Well Control Equipment and Control Systems for Diverter Equipment

This specification establishes design standards for systems that are used to control BOPs and associated valves that control well pressure during drilling operations. Although diverters are not considered well-control devices, their controls are often incorporated as part of the BOP control system. Thus, control systems for diverter equipment are included in the specification. Control systems for drilling well-control equipment typically employ stored energy in the form of pressurized hydraulic fluid (power fluid) to operate (open and close) the BOP stack components. For deepwater operations, subsea transmission of electric/optical (rather than hydraulic) signals may be used to shorten response times. The failure of these controls to perform as designed can result in a major well-control event. As a result, conformance to this specification is critical to ensuring that the BOPs and related equipment will operate in an emergency.

ANSI/API Spec. 17D—Design and Operation of Subsea Production Systems—Subsea Wellhead and Tree Equipment

This standard provides specifications for subsea wellheads, mudline wellheads, drill-through mudline wellheads, and both vertical and horizontal subsea trees. These devices are located on the seafloor, and, therefore, ensuring the safe and reliable performance of this equipment is extremely important. This document specifies the associated tooling necessary to handle, test and install the equipment. It also specifies the areas of design, material, welding, quality control (including factory acceptance testing), marking, storing and shipping for both individual sub-assemblies (used to build complete subsea tree assemblies) and complete subsea tree assemblies.

API RP 17H—Remotely Operated Tools and Interfaces on Subsea Production Systems

This RP provides general recommendations and overall guidance for the design and operation of remotely operated tools (ROT) comprising ROT and ROV tooling used on offshore subsea systems. ROT and ROV performance is critical to ensuring safe and reliable deepwater operations and this document provides general performance guidelines for the equipment.

II. Organization of Subpart G

BSEE's former regulations repeated similar BOP requirements in multiple locations throughout 30 CFR part 250. In this final rule, BSEE is consolidating these requirements into subpart G (which previously had been reserved). The final rule will structure subpart G—Well Operations and Equipment, under the following undesignated headings:

—GENERAL REQUIREMENTS

—RIG REQUIREMENTS
—WELL OPERATIONS
—BLOWOUT PREVENTER (BOP) SYSTEM REQUIREMENTS
—RECORDS AND REPORTING

The sections contained within this new subpart will apply to all drilling, completion, workover, and decommissioning activities on the OCS, unless explicitly stated otherwise.

III. Discussion of Compliance Dates for the Final Rule

BSEE understands that operators may need time to comply with certain new requirements in this final rule. Based on information provided by industry, drilling rigs are now being built, or were built, pursuant to the same industry standards BSEE is now incorporating by reference (including API Standard 53), and many have already been retrofitted to comply with these industry standards. Furthermore, most drilling rigs already comply with recognized engineering practices and original equipment manufacturer (OEM) requirements related to repair and training.

BSEE has considered the public comments on the proposed compliance dates, as well as relevant information gained during, among other activities, BSEE's interactions with stakeholders, involvement in development of industry standards, and evaluation of current technology. Accordingly, BSEE is setting an effective date of 90 days following publication of the final rule, by which time operators will be required to demonstrate compliance with most of the final rule's provisions. BSEE has determined, however, that it is appropriate to extend the compliance dates for the following new requirements. Detailed explanations for these extended compliance dates are provided in parts V and VI of this document.

—As required in § 250.734(a)(15), operators must install a gas bleed line with two valves for the annular preventer no later than 2 years from publication of the final rule. BSEE is extending the timeframe for this requirement based on the current level of availability of the required equipment and the time needed to install the equipment. This timeframe was selected to avoid any rig downtime.

—As required by §§ 250.733(a)(1) and 250.734(a)(1), operators must have the capability to shear and seal tubing with exterior control lines no later than 2 years from the publication of the final rule. BSEE is aware that some current technology is available to shear tubing with exterior control lines; however, the effective date has been extended to allow operators to acquire and install (and, if necessary, to develop new or alternative) equipment to meet the requirements.

—As required by §§ 250.731, 250.732, 250.734, 250.738, and 250.739, operators must begin using a BSEE-approved verification organization (BAVO) for certain submittals, certifications, and verifications.[8] BSEE will develop and make available on its public website a list of BAVOs, consisting of qualified third-party organizations that BSEE determines are capable of performing the functions specified in this final rule, and that will help BSEE ensure that BOP systems are designed and maintained during their service life to minimize risk. Industry currently uses independent third-parties to perform verifications similar to the certifications and verifications that a BAVO will be required to perform under this final rule. BSEE is extending the compliance date for the use of BAVOs to no later than 1 year from the date when BSEE publishes the list of BAVOs. BSEE anticipates that most of the independent third-parties currently used by industry under the former regulations will become BAVOs, significantly facilitating compliance with the requirements to use BAVOs within the one-year timeframe.

In the interim, however, final § 250.732(a) requires that operators use independent third-parties to perform the certifications, verifications and reports that BAVOs must perform no later than 1 year after BSEE publishes a BAVO list. This transitional measure is necessary to ensure that there is no diminution of the safety and environmental protection currently afforded by the use of independent third-parties under the existing regulations or of the safety and environmental improvements anticipated under the new BAVO requirements, during the time required for BSEE to identify and for operators to use the BAVOs.

—As required in § 250.724, operators must comply with the RTM requirements no later than 3 years from the publication of the final rule.

—As required in § 250.734(a)(3), operators are required to have dedicated subsea accumulator capacity for autoshear and deadman functions on subsea BOPs within 5 years from the publication of the final rule. As explained in more detail in part VI.C, changing the compliance date for these new accumulator requirements—from the proposed 3 months to the final 5 years from the date of publication—will allow sufficient lead time for industry to acquire and install additional accumulator equipment as necessary and will correspond with the timeframe for compliance with the final dual shear ram requirements, which is when the additional accumulator capacity will most likely be needed.

—As required in § 250.734(a)(1), operators must install dual shear rams on subsea BOPs no later than 5 years from the publication of the final rule.

—As required in § 250.733(b)(1), surface BOPs installed on floating facilities 3 years after publication of the final rule must comply with the BOP requirements of § 250.734(a)(1).

—As required in § 250.734(a)(16), operators must install shear rams that center drill pipe during shearing operations no later than 7 years from the publication of the final rule.

—As required in § 250.735(g), operators must install remotely-controlled locks on surface BOP sealing rams no later than 3 years from publication of the final rule.

—As required in § 250.733(b)(2), for any risers installed 90 days after the date of the publication of the final rule or later, operators must use dual bore risers for surface BOPs on floating production facilities. The final rule does not require that operators change the riser configuration for risers that were installed on floating facilities before 90 days after the publication date of the final rule.

—As required in §§ 250.732(b)(1)(i) and 250.734(a)(1)(ii), the BOP must be able to shear electric-, wire-, and slick-line no later than 2 years after publication of the final rule.

IV. Issues Not Considered in This Rulemaking

BSEE is continuing to review and evaluate additional operational and equipment issues that are not included in this final rulemaking, such as:

—Well-control planning, procedures, training, and certification;
—Major rig equipment;
—Certification requirements for personnel servicing critical equipment;
—Choke and kill systems;
—Mud gas separators;
—Wellbore fluid safety practices, testing, and monitoring;

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[8] For example, § 250.731(c)(2) requires certification and verifacation that all BOPs are designed and tested to maximun anticipated condictions.

—Diverter systems with subsea BOPs; and
—Additional severing requirements.

V. Discussion of Final Rule Requirements

Part V.A, which follows, summarizes and highlights some important requirements of the final rule that were described in more detail in the proposed rule. Some of these provisions received no comments during the public comment period, while other provisions were supported or criticized by certain commenters. Part V.B addresses significant relevant comments on certain proposed provisions and summarizes changes to those provisions that BSEE has made in the final rule based on consideration of those comments. Part V.C summarizes other changes to the proposed rule that BSEE has made in the final rule to avoid ambiguity or confusion, eliminate redundancies, correct minor drafting errors, or otherwise clarify the meaning of the new requirements.

A. Summary of Key Regulatory Provisions

After review of all the relevant public comments received on the proposed rule, BSEE determined that the following proposed revisions will be included in this final rule. Most of the proposed provisions are included without change, while several of the proposed provisions have been revised in the final rule in response to comments, as explained in parts V.B and VI of this document.

Shearing Requirements—

- Requires BOP shearing performance testing and results reporting to a BAVO. This will ensure that shearing capability for existing equipment complies with BSEE requirements.
- Requires compliance with the latest industry standards contained in API Standard 53.
- Requires that operators use two shear rams in subsea BOP stacks.
- Requires the use of BOP technology that provides for better shearing performance through the centering of the drill pipe in the shear rams.

Equipment Reliability and Performance—

- Requires compliance with industry standards, such as relevant provisions of API Standard 53, ANSI/API Spec. 6A, ANSI/API Spec. 16A, API Spec. 16C, API Spec. 16D, ANSI/API Spec. 17D, and API Spec. Q1. BOP operability will be improved by establishing minimum design, manufacture, and performance baselines that are essential to ensure the reliability and performance of this equipment.
- Requires inspection, maintenance, and repair of BOP-related equipment by appropriately trained personnel; this will also increase the reliability of BOP-related equipment.

Equipment Failure Reporting/Near-Miss Reporting—

- Requires that operators share information with Original Equipment Manufacturers (OEMs) related to the performance of their BOP system equipment. This sharing of information makes it possible for the OEMs to notify all users of any safety issues that arise with BOP system equipment.
- Requires that operators report any significant problems with BOP or well-control equipment to BSEE, so BSEE can determine whether information should be provided, in a timely manner, to OCS operators and, if appropriate, to international offshore regulators and operators.

Safe Drilling Practices—

- Requires maintaining safe drilling margins and other requirements related to liners and other downhole equipment to help reduce the likelihood of a major well-control event and ensure the overall integrity of the well design.
- Requires monitoring of deepwater and High Pressure High Temperature (HPHT) drilling operations from the shore and in real-time. This will allow operators to anticipate and identify issues in a timely manner and to utilize onshore resources to assist in addressing critical issues.
- Requires daily reports to BSEE concerning any leaks associated with BOP control systems. This will ensure that the bureau is made aware of any leaks so it can determine if further action is appropriate.
- Requires compliance with API RP 17H to standardize ROV hot stab activities. This will allow certain functions of the BOP to be activated remotely.

BOP Testing—

- Requires same pressure testing frequency (at least once every 14 days) for workover and decommissioning operations as for drilling and completion operations. Pressure test results will aid in predicting future performance of a BOP, and harmonizing testing frequencies for all well operations will also help streamline the BOP function-testing criteria and reduce the unnecessary repetition every 7 days of testing in workover and decommissioning operations that could pose operational safety issues.
- Requires additional measures (*e.g.,* RTM and increased maintenance) to help ensure the functionality and operability of the BOP system that will help reduce the safety and environmental risks.

B. Summary of Significant Differences Between the Proposed and Final Rules

After consideration of all relevant and significant comments, BSEE made a number of revisions from the proposed rule in the final rule. We are highlighting several of these changes here because they are significant, and because numerous comments addressed these topics. A discussion of the relevant and significant comments and BSEE's responses are found in part VI of this document. The significant revisions made in response to comments include:

1. Safe Drilling Margin—§ 250.414(c)

In response to one of the *Deepwater Horizon* investigation recommendations—*i.e.,* to better define safe drilling margins—BSEE proposed to revise the safe drilling margin portion of the drilling prognosis (*i.e.,* well drilling procedures) required in an Application for Permit to Drill (APD). Among other things, BSEE proposed that the "static downhole mud weight must be a minimum of 0.5 pound per gallon (ppg) below the lesser of the casing shoe pressure integrity test or the lowest estimated fracture gradient" ("the 0.5 ppg drilling margin"). This proposed requirement was typically part of BSEE's approval parameters during the permitting process. However, many commenters expressed concerns that strict enforcement of a 0.5 ppg drilling margin in all circumstances could cause adverse economic consequences because it could effectively require setting additional casing strings and smaller hole sizes and thus, in some cases, could make it impossible to reach target depths. The commenters suggested various alternatives to the 0.5 ppg requirement, including allowing operators to use a risk-based approach to setting safe drilling margins on a case-by-case basis.

Typically, 0.5 ppg is an appropriate safe drilling margin for normal drilling scenarios and has been approved by BSEE (and thus made a requirement) in numerous APDs. However, BSEE understands that there are some well-specific circumstances where a lower drilling margin may be acceptable to drill a well safely, and BSEE has approved appropriate alternative downhole mud weights as part of a safe drilling margin in many APDs. Accordingly, in this final rule, BSEE is keeping the 0.5 ppg drilling margin as proposed to be the default requirement, but is adding a new paragraph (c)(2) to § 250.414 that expressly allows the use of an alternative to the 0.5 ppg drilling margin if the operator submits adequate justification and documentation, including supplemental data (*e.g.*, offset well data, analog data, seismic data, risk modeling), in the APD. This addition is consistent with current BSEE GOMR practice to allow alternative drilling margins when justified and documented. This change will also provide operators some assurance that an alternative drilling margin, other than the 0.5 ppg margin, may be used when appropriate, while helping BSEE ensure the use of drilling mud with properties (*e.g.*, density, viscosity, additives) best suited for a specific well interval and based on well-specific drilling and geological parameters.[9] This addition to the safe drilling margin section will provide increased planning flexibility when drilling into areas that could require lower safe drilling margins, such as depleted sands or below salt (both common occurrences in the GOMR), and help avoid the potential negative consequences of requiring a 0.5 ppg margin in all cases.

BSEE is also making other minor changes to the proposed § 250.414(c). Specifically, as suggested by several commenters, we are replacing the term "static downhole mud weight" with "equivalent downhole mud weight," and removing the references to Equivalent Circulating Density (ECD). Several commenters suggested replacing static downhole mud weight with a more appropriate term to better define and assess the mud weight because of the difficulty of achieving and verifying static downhole mud weight during operations. BSEE agrees with this observation. To verify a static downhole mud weight, the well would need to be placed in a static situation. This would be done by turning off the pumps and letting the well sit until it is static; however, that process can result in complications, such as cuttings and debris settling out in the bottom of the well and thermal gradients affecting mud properties. Some of these complications may create additional issues, such as stuck pipe or loss of wellbore integrity. The change from "static" to "equivalent" allows the downhole mud weight to be based on the mud properties that can be tested at the surface and then calculated to downhole conditions. Thus, equivalent downhole mud weight can be verified on the rig as operations are being conducted.

BSEE also removed the references to ECD from this section based on comments. For the reasons discussed elsewhere in this preamble (with regard to § 250.413), BSEE determined that operators do not need to submit the estimated ECD in the APD permitting process; however, BSEE expects operators to continue their normal practice of considering ECD while drilling.

2. Accumulator Systems

In the proposed rule, BSEE proposed a number of significant changes to existing BOP requirements as well as new requirements for BOPs and associated systems, including new requirements for subsea and surface BOP accumulator systems. (See proposed §§ 250.734 and 250.735.) The purpose of the accumulator system and these new requirements is to ensure that there is sufficient volume and pressure in the accumulator bottles to properly operate BOP components in a specified timeframe regardless of the location of the accumulator bottles. Among other things, we proposed increasing accumulator capacity to operate all BOP functions; *i.e.*, requiring all surface accumulator systems, whether associated with surface or subsea BOPs, to meet the requirements for accumulators servicing surface BOPS under the prior regulations (including the requirement that the accumulator system provide 1.5 times the volume of fluid capacity necessary to hold closed all BOP components). We also proposed requiring surface accumulator systems to operate under MASP conditions, with the blind shear ram being last in the BOP sequence, and still have enough accumulated pressure to allow the BOP to shear pipe and seal the well. In addition, we proposed defining critical functions for BOP operation, and requiring dedicated, independent accumulator bottles for emergency functions (autoshear/deadman/emergency disconnect sequence (EDS)).

BSEE received multiple comments on these proposed provisions. Industry stakeholders raised concerns with (and in some cases suggested revisions to) the proposed requirements, including the following concerns:

- That the proposed surface and subsea accumulator capacity requirements are in conflict with API Standard 53 and API Spec. 16D;
- That the terminology in the proposed rule and the current industry standard (API Standard 53) are inconsistent, and that the different terminology could cause ambiguity and confusion in efforts to comply with a final rule. Industry commenters recommended using the terminology used in the API standard; and
- That the proposed requirement that accumulator systems be able to supply pressure to operate all BOP components and shear pipe as the last step in the BOP sequence, without assistance from a charging unit, would increase the number of accumulator bottles needed and would require upgraded accumulator system controls.

The commenters also stated that costs associated with the additional bottles would be significant and that the extra weight from additional bottles, given limited deck space availability, could cause structural issues with the rig.

- That the proposed requirements that the subsea accumulator system be able to supply pressure to operate all critical BOP components, and that the system have dedicated bottles for each EDS/autoshear/deadman system(s), would greatly increase the number of accumulator bottles on the subsea BOP. The commenters stated that the increased number and weight of accumulator bottles could also cause structural concerns for the BOP frame and the rig and that costs associated with the additional bottles would also be significant.

BSEE reviewed all of the relevant comments and has made changes to the proposed surface and subsea accumulator requirements in the final rule. In this final rule, BSEE is deleting the "1.5 times volume capacity" requirement for all surface accumulators, and instead requiring that all accumulator systems (including those servicing subsea BOPs) meet the sizing specifications of API Standard 53. The final rule also extends the effective date to comply with the new accumulator requirements (both surface and subsea) to 5 years; removes the proposed requirement that the surface accumulator be able to operate the blind shear ram as the last function in the BOP sequence; defines "critical functions;" and requires dedicated subsea accumulator bottles for autoshear and deadman (but not EDS) functions and allows those dedicated bottles to be shared between the autoshear and deadman functions.

BSEE reevaluated the relevant industry standards and determined that API Standard 53 and API Spec. 16D provide reasonable and appropriate methods to ensure proper volumes and pressures of appropriate BOP components. Changing the proposed volume requirements for surface accumulators to meet the specifications of API Standard 53 will allow for more specific assessments of the capacity necessary to address unique operating conditions, while still ensuring that there is enough capacity to operate all specified BOP components in an emergency. This will significantly reduce the additional costs identified in industry comments, since it eliminates the "1.5 times volume" requirement that the proposed rule would have extended to surface accumulators servicing a subsea BOP, and since most accumulator equipment has been designed to meet the API Standard 53 specifications since that standard was adopted in 2012.

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[9] Alternatives to compliance with the 0.5 ppg safe drilling margin requirement could also be requested under existing § 250.141, and approved by BSEE if the criteria of that section are satisfied; but such separate requests would not be necessary if an operator requests an alternative in its APD under new § 250.414(c)(2).

Removing the "1.5 times volume" requirement and replacing it with the volume requirements of API Standard 53 also will not decrease safety or environmental protection as compared to the proposed requirement. BSEE determined that the methods for calculating the necessary fluid volumes and pressures in the API standard provide an acceptable amount of usable fluid and pressure to operate the required components, while still ensuring the required 200 pounds per square inch (psi) above the pre-charge pressure. API Standard 53 also discusses the need to have 200 psi remaining on the bottles above the pre-charge pressure after operating the BOP components, which would provide a sufficient margin of error to promote safety and help prevent environmental harm from failure of pressure to the BOP.

Removing the proposed language regarding the blind shear ram being the last in sequence will eliminate industry's misimpression that the proposed language would have mandated that the blind shear ram always be the last step in the BOP sequence. In addition, BSEE agrees with the commenters that the proposed language regarding sequencing of the blind shear ram is not necessary, as long as the accumulator is able to provide sufficient volume of fluid to operate all the required BOP functions under MASP.

BSEE is also making changes in the final rule to the subsea accumulator requirements in response to comments. BSEE is requiring subsea accumulators to have enough capacity to provide pressure for critical functions, as defined in API Standard 53, and to have accumulator bottles that are dedicated to autoshear and deadman functions (but not EDS), and that may be shared between those functions.

Subsea accumulator charge normally comes from the surface, but in an emergency the connections to the surface may be lost and/or the accumulator may have already operated multiple BOP components, which may have reduced the accumulator fluid pressure needed to successfully shear and seal. Dedicated bottles for autoshear and deadman functions would ensure that the subsea accumulator has enough pressure available to operate those emergency systems even if all surface connections are lost or the volume or pressure in the accumulator system are depleted. BSEE determined, however, that permitting those functions to share the dedicated accumulator bottles would not result in a reduction to safety or environmental protection so long as the shared bottles are capable of providing enough pressure to operate the emergency functions. By contrast, dedicated capacity in a subsea accumulator for the EDS is not necessary, since the EDS is serviced through the main (surface) accumulator system by rig personnel.

3. BOP 5-Year Major Inspection

In the proposed rule, BSEE included a provision to require a complete breakdown and inspection of the BOP and every associated component every 5 years, as documented by a BAVO, which, as proposed, could not be performed in phased intervals. BSEE received multiple comments on the 5-year inspection interval. Most industry commenters did not object to a 5-year inspection requirement for each BOP component, provided that the inspections could be staggered, or phased, over time. Commenters expressed concern that requiring all components to be inspected at one time would put too many rigs out of service, potentially for long periods of time, with substantial economic impacts.

Based on consideration of the issues raised in the comments, BSEE has revised the final rule in order to allow a phased approach for 5-year inspections (*e.g.,* staggered inspection for each component), as long as there is proper documentation and tracking to ensure that BSEE can verify that each applicable BOP component has had the major inspection within 5 years. BSEE is also adding, for clarification, the applicable dates for the starting point of the 5-year cycle. BSEE is confident that these inspection requirements maintain the necessary level of safety and environmental protection without resulting in unnecessary interference with scheduling or complications for operations. Requiring operator documentation of the component inspection dates, and requiring those records to be available on the rig, will help BSEE to verify that the components were inspected within the required timeframe and will also assist BSEE's review of the documentation, when requested. The final rule requires that all of the appropriate components be inspected during the 5-year cycle. Proper documentation of phased inspections will improve BSEE oversight, as compared to current practice, while a phased approach will avoid the possibility of long rig shut downs.

4. Real-Time Monitoring

In § 250.724 of the proposed rule, BSEE proposed to require RTM of certain data for well operations that use either a subsea BOP or a BOP on a floating facility, or are conducted in an HPHT environment. Under the proposed rule, the RTM system would have been required to gather and "immediately transmit" data on the BOP control system, the well's fluid handling systems on the rig, and the well's downhole conditions with the bottom hole assembly tools (if any) to an onshore facility to be monitored by qualified personnel in "continuous contact" with rig personnel during operations. In addition, BSEE proposed that, after transmission, the RTM data must be preserved and stored at a designated location, identified in an APD or APM, and that the location and RTM data be made available to BSEE upon request. Finally, the proposed rule would have required immediate notification to the appropriate BSEE District Manager of any loss of RTM capability during operations and would have authorized the District Manager to require other measures pending restoration of RTM capabilities.

BSEE intends for industry to use RTM as a tool (*i.e.,* as an "additional pair of eyes") to improve safety and environmental protection during ongoing well operations, as recommended by several reports on the *Deepwater Horizon* incident. *See* 80 FR 21520. BSEE does not intend that onshore personnel monitoring the RTM data would have operational control over the rig based on the data; rather, BSEE intends that onshore personnel could use RTM data to help rig personnel conduct their operations safely and to assist rig personnel in identifying and evaluating abnormalities and unusual conditions before they become critical issues. In addition, BSEE expects operators to review stored RTM data after operations are complete in order to improve well-control efficiency, training, and incident investigation. Reviewing past data can help improve operations (*e.g.,* understanding well conditions in certain geological formations assists in the collection and use of offset well data to make drilling in similar formations more efficient).

There are many other aspects of RTM that were not addressed in the proposed rule, and that are not addressed in this final rule. In this rulemaking, BSEE is laying the groundwork for further development and use of RTM to help industry to continue improving offshore safety and environmental protection. Industry, academia, BSEE and others are studying and developing new RTM technology and processes, which continues to evolve. BSEE may consider additional guidance or regulatory requirements for use of RTM, as appropriate, in later rulemakings.

BSEE received multiple comments on these issues, expressing concerns with these proposed provisions and suggesting alternatives. A more detailed discussion of the RTM comments is found in section part VI.C of this document. However, some of the industry concerns with the proposed requirements include:

- The meaning of proposed requirements to "immediately transmit" these RTM data and to maintain "continuous contact" between onshore personnel and rig personnel;
- The proposed requirement that loss of "any real-time monitoring capability during operations" requires immediate notification of, and possible action by, the District Manager; and
- The potential for an increase in rig personnel response time and a decrease in the accountability of the offshore personnel.

In addition, several commenters suggested that BSEE require operators to develop specific RTM plans in lieu of some or all of the proposed requirements, or that the existence of such plans would justify BSEE eliminating some or all of the proposed RTM requirements, even if an RTM plan were not expressly required.

BSEE considered all of the relevant comments and made several revisions and clarifications to the proposed RTM requirements in final § 250.724. The final rule removes or replaces several provisions that were perceived by commenters as overly prescriptive with more flexible, performance-based measures that better reflect BSEE's intention that operators use RTM as a tool to improve their own ability to prevent well control incidents while providing BSEE with sufficient access to RTM information to evaluate system improvements. For example, instead of requiring an operator to notify the District Manager immediately of any loss of RTM capabilities, as proposed, the final rule requires an operator to have an RTM plan that specifies how the operator will notify BSEE of any significant interruption in monitoring or RTM communications. The revisions to the final rule also clarify that BSEE did not intend to require that direct operational responsibility for well control be shifted from rig personnel to onshore RTM personnel.

Specifically, the revisions to the proposed requirements, as reflected in the final rule include the following:

- The phrase "all aspects of" was deleted from paragraphs (a)(1), (2), and (3).

The deletion of that phrase provides for a more performance-based rule, pursuant to which the operator, based upon the particular rig configuration and situation, would determine the data to be collected. Further, the deletion of "all aspects of" provides more operator flexibility so as to reduce the probability of an increase in response time while maintaining the accountability of the offshore personnel. This revision also clarifies that RTM is intended to be used as a support tool for the existing rig-based chain of command and is not a substitute for the competency or well-control responsibilities of the rig personnel.

- The word "data" was added to clarify the systems and tools from which real-time data must be gathered and monitored.

BSEE also made the following revisions and clarifications in final § 250.724(b):

- The phrase "barring unforeseeable or unpreventable interruptions in transmission" was added to address concerns about the interruption of the transmission of the data.
- The word "immediately" was deleted with respect to transferring data to shore, and the phrase "during operations where they must be monitored [by qualified personnel] who must be in continuous contact with rig personnel during operations" was deleted. These revisions were made to address concern that mandatory onshore monitoring would result in an erosion of authority of, or shifting operational decision making away from, the rig-site personnel. These revisions also address concerns that mandatory onshore monitoring and continuous rig-to-shore contact might result in an increase in response time and a decrease in the accountability of the offshore personnel. They also clarify BSEE's intent that RTM involving onshore personnel serve as a support tool for the existing rig-based chain of command.

BSEE also revised and clarified final § 250.724(c) by deleting the sentences that proposed that operators who lose any RTM capability during operations covered by the section, you must immediately notify the District Manager, and that the District Manager may require other measures until RTM capability is restored.

BSEE replaced the deleted sentences with a performance-based requirement for operators to have an RTM plan, as suggested by several industry commenters, that addresses several of the issues that the proposed rule would have addressed through prescriptive language. For example, most of the commenters' concerns with proposed paragraph (c) appear to be based on the assumption that the proposed language would have required every interruption in RTM capabilities—no matter how brief or inconsequential—to be reported to the District Manager, and would have resulted in orders to suspend operations in every case. However, BSEE did not intend that proposed requirement to apply to minor or routine interruptions in RTM capabilities that pose no significant risk to safety or of a LWC. Accordingly, the final rule now requires operators to have RTM plans that include procedures for responding to and notifying BSEE of "significant and/or prolonged interruptions." Thus, BSEE anticipates that the final rule will result in essentially the same results regarding interruptions that the proposed rule was intended to achieve, with no loss of safety or environmental protection as compared to the proposal.

Specifically, the final rule requires that the RTM plan be made available to BSEE upon request and that the plan include descriptions of:

- RTM technical and operational capabilities;
- How the RTM data will be transmitted onshore, how the data will be labeled and monitored by qualified onshore personnel, and how the data will be stored onshore;
- A description of procedures for providing BSEE access, upon request, to the RTM data including, if applicable, the location of any onshore data monitoring or data storage facilities;
- Onshore monitoring personnel qualifications;
- Methods and procedures for communications between rig and onshore personnel;
- Actions that will be taken in case of loss of RTM capabilities or rig-to-shore communications; and
- A protocol for responding to significant or prolonged interruptions of

RTM capabilities or communications, including procedures for notifying the District Manager of such interruptions.

5. Potential Increased Severing Capability

As discussed in the notice of proposed rulemaking, BSEE proposed a variety of requirements that would increase the likelihood that a BOP would be able to sever a drill string in an emergency situation in order to shut-in the well and prevent a catastrophic blowout. (*See* 80 FR 21509–21510, 21529.) However, there are a variety of components in the drill string (*e.g.,* drill collars) that cannot be severed using currently available technology. (*See id.* at 21509.) Accordingly, the notice of proposed rulemaking expressly stated that BSEE was considering including an additional provision in the final rule that would require operators to "install technology that is capable of severing any components of the drill string (excluding drill bits) . . . within 10 years from publication of the final rule." (*See id.* at 21529.) BSEE explained that this performance-based requirement would provide additional protection against potential LWC in an emergency by requiring installation of new technology that could sever components of a drill string (*e.g.,* drill collars) that cannot be severed using current shear rams.

BSEE also explained that it was considering a 10-year timeframe for compliance with this potential requirement in order to provide time for manufacturers or operators to develop or select innovative or improved technologies or equipment to meet the requirement. BSEE then invited public comments and supporting data on a variety of key technical and economic questions and issues that would help BSEE decide whether to include such a requirement in the final rule. (*See id.* at 21529–21530.)

Only a small number of comments addressed this severing issue. Several industry commenters opposed the idea or stated that it would be extremely difficult and expensive to meet, and that even 10 years might not be long enough to come into compliance. One commenter suggested that BSEE require that shearable sections be designed into the drill string (instead of requiring that everything be shearable), and that a shearable section of the drill string must be across one of the shearing rams at all times. The same commenter asserted that shearable drill collars currently exist, but did not provide any additional technical or economic information supporting that assertion. Another commenter supported the requirement in general, but suggested that it should be implemented in less than 10 years. None of the comments, however, provided adequate relevant technical or economic data or other information to help BSEE determine whether to include the requirement in the final rule.

Accordingly, although BSEE still believes that such a severing requirement could provide important additional controls to prevent future well-control events and catastrophic blowouts, such as the *Deepwater Horizon* incident, BSEE has decided that it needs more time and more information to make a final decision about whether to adopt such a severing requirement. Therefore, BSEE will review severing technology on a periodic basis, with the intention of concluding the review no later than seven years from the publication of this final rule. BSEE will conduct a retrospective review of this rule under E.O. 13563, according to DOI's regulatory review plan. If, after obtaining and considering additional information, BSEE decides to proceed with adoption of such a regulation, BSEE will propose to do so in a separate rulemaking document.

6. BOP Pressure Testing Interval

BSEE received a number of comments on proposed § 250.737(a)(2), which proposed to harmonize the pressure testing interval for BOPs used in workovers and decommissioning operations (currently 7 days) with the existing 14-day interval for pressure testing BOPs used in drilling and completion operations.

In the proposed rule, BSEE explained that increasing the test interval for workover and decommissioning BOPs from 7 days to 14 days could decrease wear and tear on those BOPs, and thus increase their durability and reliability in the long-term and otherwise potentially improve safety. (*See* 80 FR 21511.) BSEE also explained that it expected that BOP equipment meeting the other proposed new requirements would perform more reliably than previous equipment, thus making 7-day testing for workover and decommissioning BOPs less crucial. (*See id.* at 21524.)

In addition, BSEE requested comments on whether the pressure testing interval for BOPs used in all types of operations should be 7 days, 14 days (as proposed), or 21 days. BSEE also requested comments on the potential cost implications of each of those intervals. (*See id.* at 21511.) In its initial economic analysis for the proposed rule, BSEE estimated the potential savings from increasing the pressure testing interval from 7 to 14 days for workover and decommissioning BOPs to be about $150 million per year, and the potential cost savings that would result from increasing the testing interval for all BOPs from 14 to 21 days to be approximately $400 million per year.

In response, one commenter suggested that BSEE require more frequent BOP pressure tests (*i.e.,* every 7 days for all BOPs used in Arctic OCS operations), and claimed that BSEE had not justified changing the 7-day testing requirement for workover and decommissioning BOPs to 14 days. However, most commenters, primarily from industry, supported increasing the pressure testing interval for workovers and decommissioning and recommended increasing the testing interval for all BOPs to 21 days. Commenters cited API Standard 53, which recommends a 21-day BOP test cycle for shear ram BOPs, as well as international industry best practices, in support of longer pressure test intervals. Multiple commenters also pointed out that less frequent testing would mitigate wear and tear on the equipment from the testing itself, and that wear and tear adversely affects long-term reliability of the equipment and thus increases the risks of equipment failure. Some commenters also referred to past joint industry research projects and studies, which they suggested support test intervals longer than 14 days.

BSEE has long been involved with joint industry projects and studies on BOP reliability and, after reviewing the comments on the proposed rule, has concluded that increasing the test interval for workover and decommissioning BOPs from 7 to 14 days is appropriate in terms of decreasing wear and tear and increasing long-term reliability of those BOPs. BSEE and the industry now have substantial experience with the efficacy of the longstanding 14-day testing requirement for BOPs used in drilling and completion operations, and BSEE believes that testing decommissioning and workover BOPs every 14 days will avoid the extra wear and tear and safety risks inherent in 7-day testing and will not result in any diminution of safety and environmental protection as compared to 7-day testing.

BSEE is not aware, however, of any new data that justifies increasing the BOP pressure testing interval for all BOPs from 14 days to 21 days. The previous studies and data on BOP testing frequency that were submitted to MMS prior to the *Deepwater Horizon* incident, as mentioned by some commenters, were not deemed by MMS sufficient to justify increasing the pressure testing interval from 14 to 21 days. In the proposed rule, BSEE explained that it was reevaluating this issue and requested additional data and technical analysis regarding the proposed pressure testing frequency requirements to determine if a uniform 21-day testing interval should be included in the final rule. Given the operational issues that had previously been brought to BSEE's attention by the industry, and the potential costs savings ($400 million dollars per year) that BSEE estimated could result from moving from 14-day to 21-day testing, BSEE anticipated that significant technical and economic comments would be submitted on this issue. Comments in support of such a change were submitted; however, these comments did not provide adequate data and information to reasonably support a 21-day testing interval at this time.

BSEE is aware of concerns that the more frequently BOPs are tested, the more likely the equipment is to wear out prematurely; however, it does not automatically follow that every extension of test intervals always increases reliability, and thus safety and environmental protection, in the long-term. The industry commenters do not dispute that testing must occur at appropriate intervals to provide assurance that BOPs will function as intended when needed to prevent a blowout. BSEE's experience with 14-day pressure testing for drilling and completion BOPs indicates that it is effective for its purpose and that, in the absence of significant new information on longer test intervals, it is appropriate to retain that interval for such BOPs and to apply the same requirement to workover and decommissioning BOPs.

BSEE believes that the provisions in the final rule that increase the exchange of data on equipment reliability, that improve the design, manufacturing, maintenance and repair of BOP equipment, and that require the use of BAVOs or other independent third-parties to verify and document BOP testing, repairs and maintenance will result in improved performance and reliability of BOPs in the future. However, in the absence of new data demonstrating that 21-day testing would be as protective as 14-day testing, BSEE has decided to finalize the proposed 14-day pressure testing requirement for BOPs used in all types of operations. In response to the *Deepwater Horizon* incident, industry attempted to voluntarily improve the overall reliability of well control equipment through better designs, improved manufacturing processes, better maintenance and repair procedures, and increased data sharing. BSEE will consider the possibility of adopting 21-day BOP testing when it receives adequate new (post-*Deepwater Horizon*) data and analyses demonstrating that BOP reliability and capability, and personnel safety, are not adversely affected (or are actually improved) by pressure testing at 21-day intervals. This could include, for example, data from BOP testing and usage in OCS or other waters. BSEE will consider relevant data, along with any data indicating that the other requirements contained in this rule (such as BAVO verification), have increased overall BOP performance and reliability and decreased the risk of failure of the systems and components. In the meantime, any operator that believes its specific circumstances warrant a longer pressure test interval may seek approval from the District Manager to use alternate procedures or equipment under § 250.141.

C. Other Differences Between the Proposed and Final Rules

In addition to the significant changes discussed in the preceding section, BSEE has also made changes to the rule in response to comments suggesting that BSEE eliminate redundancy, clarify some potentially confusing language, streamline the regulatory text, and align certain provisions in the proposed regulatory text more closely with relevant terminology in API Standard 53 (where BSEE intended the proposed provisions to be consistent with that standard). In some cases, we agreed with and accepted specific wording changes suggested by the commenters, and in some cases we made changes based on our agreement with the commenters' basic suggestion, even though the commenter provided no specific alternative language or we did not agree with the specific wording suggested by the commenter. In still other cases, we made minor revisions to proposed provisions in order to correct grammatical errors, eliminate potential ambiguity, or to avoid confusion by further clarifying the intent of the proposed language. The revisions include the following:

- In final § 250.292, we clarified the proposed language about pipeline free standing hybrid risers "on a permanent installation."
- In final § 250.421, we clarified the proposed language regarding cementing the liner lap and what actions are necessary when an operator is unable to meet the cementing requirements of the liner lap section.
- In final § 250.462, we revised the language from "pressure holding" to "pressure containing" critical components. We also clarified language on excluding downhole safety valves. And we clarified the equipment that operators must make available to BSEE for inspection. We revised this section to clarify the differences between collocated equipment and SCCE (*e.g.*, collocated equipment includes dispersant injection equipment.)
- In final §§ 250.518, 250.619, and 250.1703, we clarified that, for the purposes of those sections, permanently installed packers and bridge plugs must comply with the referenced industry standard.
- In final § 250.703, we replaced "the most extreme service conditions" with "the maximum environmental and operational conditions" to which equipment may be exposed at a given well.
- In final § 250.711, we clarified that the same well-control drill cannot be repeated consecutively with the same crew, in order to avoid overly narrow training for certain personnel and to improve proficiency in well-control procedures by a broader set of rig personnel without unduly limiting the operator's discretion to schedule important drills.
- In final § 250.712, we changed the timeframe for informing BSEE of the rig movement from 72 hours to 24 hours' notice before movement. BSEE agreed with commenters that requiring 72 hour notice may have necessitated additional revisions to the submitted form due to the constant changes of operations affecting rig movements. Requiring a 24 hour notification provides a better indication of when a rig will move.
- In final § 250.713, we deleted the reference to "lift boats" and made other minor changes to improve consistency in rig-related terminology.
- In final § 250.715, we also revised the language to provide more consistency in rig-related terminology and to clarify the requirements for access to GPS data.
- In final § 250.721, we clarified that operators must test the liner-top, instead of the liner-lap, and that the pressure testing of the entire well should not exceed 70 percent of the burst rating limit of the weakest component.
- In final § 250.722, we clarified that calculations must be included if an imaging tool or caliper is used.
- In final § 250.730, we:
    - ○ Clarified that the lessee or operator must ensure that the BOP systems are designed, installed, maintained, inspected, tested and used properly (instead of the lessee or operator

actually performing these actions themselves), since these actions are usually performed by contractors.

  - Clarified that the working pressure rating for annulars does not need to exceed MASP.
  - Clarified that the BOP system (instead of each ram) must be capable of closing and sealing the wellbore at all times and provide reliable means to handle well-control events.
  - Clarified paragraph (a)(2) to provide that the BOP systems must meet the provisions of the specified industry standards that apply to BOP systems.
  - Revised the failure reporting procedures in paragraph (c) to include submitting such reports to BSEE.
  - Clarified paragraph (d)(1) to remove the reference to the alternative compliance regulations at § 250.141.
- In final § 250.732, we:
  - Revised paragraph (a) by extending the compliance date for BAVO-related requirements to 1 year from the date BSEE publishes a BAVO list and adding new paragraphs (a)(1) and (2). Final paragraph (a)(1) provides that, until the requirements to use BAVOs become effective, operators must use an independent third-party to provide the certifications, verifications, and reports that a BAVO must provide after the BAVO requirements become effective. Final paragraph (a)(2) clarifies the criteria for independent third-parties, based on the longstanding criteria in use under current regulations.
  - Revised paragraph (b)(1)(vi), by replacing "all testing results" with "relevant testing results."
  - Revised paragraph (d)(6) to clarify that training for personnel who service, repair or maintain BOPs must cover "any applicable" OEM requirements.
- In final § 250.733, we removed redundant requirements that are covered in other sections.
- In final § 250.734, we:
  - Revised the ROV provisions to require opening and closing of ram locks, one pipe ram, and the Lower Marine Riser Package (LMRP) disconnect.
  - Clarified that the ROV crew must be capable of carrying out appropriate tasks during emergency operations.
  - Simplified paragraph (a)(6)(vi) by deleting a phrase that would have required a failsafe system to use "logic" that makes every step independent from the previous step, and inserting instead the words "once activated."
  - Clarified in paragraph (a)(7), that if an operator chooses to "use" an acoustic control system there are applicable requirements to demonstrate that it will function in the proposed environment and conditions.
  - Clarified that control panels must have "enable" buttons or similar features to ensure two-handed operation.
  - Clarified that there must be a side outlet installed below the lowest sealing shear ram.
  - Clarified that, if there are dual annulars, a gas bleed line must be installed below the upper annular.
  - Revised the language regarding testing of the equipment after making repairs, and clarified the testing requirements under certain circumstances.
- In final § 250.735, we revised paragraph (e), to clarify the required location of the kill line, and paragraph (g) to eliminate the proposed requirement for hydraulically operated locks for pipe rams on surface BOPs and to replace the proposed requirement for hydraulic locks on surface BOP blind shear rams with a requirement for remotely-operated locks.
- In final § 250.736, we revised the kelly valve requirements to better reflect current practice and technology.
- In final § 250.737, we:
  - Clarified, in paragraph (d)(2), that water must be used to do the initial test for surface BOP systems, but that drilling/completion/workover fluids may be used to conduct subsequent tests.
  - Clarified the requirements for testing pods between control stations.
  - Removed redundant provisions covered under other sections.
- In final § 250.738, we:
  - Revised paragraph (a) by removing the requirement to notify the District Manager of problems or irregularities "including leaks"; however, these problems or irregularities must be recorded on the daily report, which must be made available to BSEE upon request.
  - Revised paragraph (e) to clarify that one set of pipe rams (instead of two) must be capable of sealing around the smaller size pipe.
  - Revised paragraph (f) to clarify the required testing of the connections if casing rams or casing shear rams are installed in a surface BOP stack.
  - Revised paragraph (l) to clarify the required testing of the wellhead/BOP connection if a test ram is to be used.
  - Revised paragraph (p) to clarify the requirements that apply if the bottom hole assembly needs to be positioned across the BOP.
- In final § 250.739, we clarified personnel training and records requirements.
- In final § 250.746, we added a reference to digital recorders, clarified the actions required when there are leaks associated with a BOP control system, and made minor changes to provide consistency in rig-related terminology.
- In final §§ 250.414(k), 250.713(e), 250.714(e), 250.721(d) and (g)(3), 250.722(a)(1), 250.734(a)(7), 250.738(o), 250.740(g), 250.743(c), and 250.744(a), we clarified the purposes for which District Managers may require additional information, testing, or other procedures consistent with the purposes of those sections.

VI. Discussion of Public Comments on the Proposed Rule

In response to the proposed rule, BSEE received over 172 sets of comments from individual entities (*e.g.,* companies, industry organizations, non-governmental organizations, and private citizens). Some entities submitted comments multiple times. All relevant comments are posted at the *Federal eRulemaking* portal: *http://www.regulations.gov.* (To access the comments at that website, enter BSEE–2012–0002 in the Search box.) BSEE reviewed all comments submitted. Each of the following sections contains a brief summary of the relevant and significant comments as well as BSEE's responses.

A. Requests for Extension of the Proposed Rule Comment Period

Summary of comments: BSEE received requests from various stakeholders asking BSEE to extend the comment period on the proposed rule. The majority of those requests sought extensions of 120 days, which would have tripled the length of the original 60-day comment period. BSEE also received a written comment from another stakeholder urging BSEE not to extend the comment period because the proposed rule has been in development since the *Deepwater Horizon* incident, is based on recommendations resulting from that incident, and represents a critical regulatory improvement that should be finalized without delay.

- *Response:* BSEE considered those requests and determined that extending the original 60-day comment period by an additional 30 days provided sufficient additional time for review of and comment on the proposal without unduly delaying a final rulemaking decision. The comment extension to the notice of proposed rulemaking was published in the **Federal Register** on June 3, 2015. (*See* 80 FR 31560.)

Summary of comments: Various commenters asserted that even the 90-day public comment period was inadequate for a rule of this technical complexity, and that additional time (*e.g.,* 120 days) was needed to properly address the substantial amount of technical content and complexity in this draft. They suggested that the comment period should be reopened and/or that BSEE publish a revised proposed rule for comment.

- *Response:* BSEE believes that the 90-day comment period, which includes the 30-day extension granted by BSEE, was reasonable and sufficient under the Administrative Procedure Act (APA). The APA requires that agencies give "interested persons an opportunity to participate" in the rule making process through submission of written data, views or arguments. (*See* 5 U.S.C. 553(c).) The APA does not prescribe the number of days that an agency must allow for written comments, and an agency's decision on comment period length is generally deferred to unless it is arbitrary and capricious. (*See* 5 U.S.C. 706(2).)

B. Summary of General Comments on the Proposed Rule

1. Comments Supporting the Proposed Rule

Summary of comments: Multiple commenters commended the efforts by BSEE to improve safety and environmental protection and expressed their support for many of the changes in the proposed rule.

- *Response:* It is BSEE's continued mission to promote safety, protect the environment, and conserve resources offshore through vigorous regulatory oversight and enforcement. This final rule is an important step toward better well control and improved safety and environmental protection.

2. Legal Comments

Summary of comments: Several commenters claimed that BSEE failed to incorporate the principles of best available and safest technologies (BAST) reflected in OCSLA, resulting in requirements that are arbitrary, not reasonable or practicable, not economically or technically feasible, less safe, and more obstructive to OCS oil and gas development, in violation of the OCSLA-mandated balance between safety and environmental protection and expeditious and orderly development of OCS resources.

- *Response:* BAST requirements, as set out in OCSLA and its implementing regulations (*see* 30 CFR 250.107) are the product of specific BSEE analyses and determinations. Existing BSEE regulations and this final rule contain numerous technology requirements, all of which were adopted through notice and comment rulemaking. The proposed rule explained the justifications for codifying the technological requirements in the final rule, many of which were derived from recommendations based on exhaustive investigations and reports on the *Deepwater Horizon* incident, and on input from experts representing equipment manufacturers, the offshore oil and gas industry, government, academia, and environmental organizations focused on identifying appropriate technological standards. BSEE believes that the requirements in this regulation provide an appropriate level of safety. BSEE may make a separate determination in the future related to the use of BAST, pursuant to OCSLA, if supplemental requirements are necessary.

Summary of comments: Several industry commenters claimed that certain provisions in the rule could render leases uneconomical to operate, thereby requiring a Takings Implication Analysis (TIA) by BSEE under Executive Order (E.O) 12360, and potentially amounting to a breach of contract by DOI.

- *Response:* By their own terms, OCS oil and gas leases expressly state that they are subject to regulations promulgated after lease issuance, including the types of regulatory action reflected in this final rule. Accordingly, the adoption of this final rule is consistent with lessees' rights to conduct operations on the OCS—which are derived entirely from their lease interests—and thus do not amount to a breach of contract or a taking under the Fifth Amendment. As a result, a TIA is not necessary.

E.O. 12630 requires executive agencies to review agency actions, including rulemakings, that have takings implications (*i.e.,* actions that, if implemented, could effect a taking) to prevent unnecessary takings and to identify and discuss any significant takings implications and the agency's conclusions on the takings issues. In this case, the terms of all OCS oil and gas leases allow BSEE to promulgate new rules, pursuant to OCSLA, without violating the rights created by the lease contracts. Specifically, leases issued prior to 2010 state:

> This lease is issued pursuant to the Outer Continental Shelf Lands Act. . . . The lease is issued subject to the Act; all regulations issued pursuant to the Act and in existence upon the Effective Date of this lease; all regulations issued pursuant to the statute in the future which provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf and the protection of correlative rights therein, and all other applicable statutes and regulations.

Leases issued since 2010 likewise provide that:

> This lease is subject to [OCSLA], regulations promulgated pursuant thereto, . . . and those . . . regulations promulgated thereafter, except to the extent they explicitly conflict with an express provision of this lease. It is expressly understood that amendments to existing . . . regulations . . . as well as the . . . promulgation of new regulations, which do not explicitly conflict with an express provision of this lease may be made and that the Lessee bears the risk that such may increase or decrease the Lessee's obligations under the Lease.

None of the provisions of this rule explicitly conflict with any express provisions of OCS oil and gas leases.

The Supreme Court and other Federal courts have interpreted the relevant lease language to mean that "[a] change to an OCSLA regulation does not breach the express terms of the lease language." *Century Exploration New Orleans, LLC* v. *United States,* 745 F.3d 1168, 1178 (Fed. Cir. 2014), *citing Mobil Oil Exploration & Production Southeast, Inc.* v. *United States,* 530 U.S. 604, 616 (2000); *Century Exploration New Orleans, LLC* v. *United States,* 110 Fed. Cl. 148, 164–66 (2013) (the lease language "allocates the risk of certain legal changes—future regulations issued pursuant to OCSLA—to [lessees]"). This conclusion is in no way dependent upon the impacts of such a rulemaking on the economics of lease development.

The express language of the leases (in sections 10 and 12) likewise requires that the lessee comply with all applicable regulations, and OCSLA expressly provides that regulations promulgated pursuant to the statute apply to both new and existing leases as of their effective date. 43 U.S.C. 1334(a). Because all changes to the regulatory language implemented through this rule are made pursuant to OCSLA, they are expressly incorporated into the terms of the leases and thus consistent with lessees' rights thereunder. In light of the fact that the entirety of lessees' rights to conduct the impacted operations on the OCS are derived from their leases, regulation that is consistent with those lease rights likewise cannot amount to an unconstitutional taking of those lease rights. Accordingly, promulgation of this rule does not amount to a breach of any lease terms or a taking of any rights derived from OCS leases.

Summary of comments: Some commenters raised issues concerning the World Trade Organization's (WTO's) Technical Barriers to Trade Agreement (TBT Agreement). In particular, the commenters asserted that purported inconsistencies between the proposed rules and API Standard 53 require compliance with notification procedures under the TBT Agreement.

- *Response:* The TBT Agreement seeks to avoid unnecessary obstacles to international trade, in part by requiring that technical regulations and conformity assessment procedures be consistent with international standards promulgated by international standards developing organizations.

The proposed rule does not create a technical barrier to trade because it is neutral as to the national origin of regulated equipment. The proposed rule did not, and this final rule will not, discriminate in favor of U.S.-fabricated equipment. The final rule is equally applicable to all relevant equipment, regardless of the equipment's country of origin. Accordingly, BSEE's proposed rule did not, and the final rule does not, create an unnecessary technical barrier to trade.

3. Arctic-Related Comments

Summary of comments: Multiple commenters recommended extending certain equipment, testing and monitoring requirements in the proposed rule to all operations on the Arctic OCS, where some of those operations would not have been covered under the terms of the proposed requirements. For example, some commenters recommended that BSEE require a second set of blind shear rams to be installed in the BOP stack for all operations in the Arctic, including surface BOPs on gravel and ice islands and bottom-founded structures in the Arctic, even though the proposed requirement was only intended to apply to surface BOPs on floating facilities (*See* § 250.733(b)(1)).

Commenters also suggested that all BOPs used on the Arctic OCS undergo independent verification by a qualified third-party organization, and that Arctic operators submit to BSEE an annual Mechanical Integrity Assessment (MIA) Report prepared by a BAVO, even though BSEE proposed that the MIA Report requirement apply only to subsea BOPs, BOPs in HPHT environments, and surface BOPs on floating facilities. The commenters asserted that extending these requirements would ensure that each BOP used on the Arctic OCS is fit for Arctic OCS service. Commenters also suggested extending to all Arctic OCS facilities: the proposed requirements in § 250.724 for RTM for subsea BOPs, BOPs in HPHT environments, and surface BOPs on floating facilities; and the proposed Source Control and Containment requirements in proposed § 250.462 for subsea BOPs or surface BOPs on floating facilities.

Some commenters also requested that BSEE revise the existing regulations to strengthen equipment and operational requirements for equipment used on the Arctic OCS. These suggestions included: Requiring Arctic operators to submit a cementing protocol and quality assurance plan, prepared by an experienced Arctic drilling engineer, as part of their APD; daily well activity reporting requirements for the Arctic OCS; and mandatory use of cement evaluation tools and temperature logs.

Some of the comments were expressly related to provisions in BSEE's proposed rule, "Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf." (*See* 80 FR 9916 (Feb. 24, 2015).) The commenters stated that they submitted the same comments to BSEE in response to that proposed rule.

- *Response:* The requirements in this final rule apply to any OCS facility in any BSEE region (GOM, Pacific, Alaska), including an Arctic OCS facility, that meets the general conditions for applicability stated in the specific regulatory provisions. For example, some provisions (such as § 250.730—What are the general requirements for BOP systems and system components?) apply nationwide to all BOPs on all OCS facilities, including any facility with a BOP on the Arctic OCS. Other requirements apply only to specific types of facilities or equipment or BOP systems (such as the requirements in § 250.733, which apply only to surface BOP stacks, and the requirements in § 250.734, which apply only to subsea BOPs). And some provisions apply to any facility or BOP that meets specific conditions, such as § 250.732(d), which requires an operator to submit an annual MIA report for any subsea BOP, BOP in an HPHT environment, or surface BOP on a floating facility. In any case, all of the provisions in this final rule apply without regard to the OCS region in which the facility or BOP is operating.

BSEE recognizes that the Arctic OCS presents a uniquely challenging operating environment, characterized by extreme environmental conditions, geographic remoteness, and a relative lack of fixed infrastructure and existing operations. However, many of the comments submitted on the Arctic OCS issues are outside the scope of this well-control rulemaking. BSEE has decided to address Arctic-specific issues in separate rulemakings, guidance documents, or on a case-by-case basis as needed. Most of the comments related to the Arctic that were submitted under this rulemaking were also submitted in response to the proposed Arctic OCS exploratory drilling rule proposed in February 2015 and will be considered by BSEE in that rulemaking.

4. General Comments

a. "Grandfathering" of Certain Equipment Requirements

Summary of comment: Multiple commenters asserted that it is not clear whether existing facilities will be "grandfathered in," (*i.e.*, that the final requirements would apply only to new facilities or equipment installed after the final rule's effective date), or whether existing facilities will have to comply with all provisions of the final rule, even if that requires, for example, installing new equipment or retrofitting existing equipment, which the commenters claimed would be very expensive and burdensome.

Similarly, some commenters asserted that it is not clear whether existing equipment already under construction or in fabrication will have to comply with the new regulations in the event that the new regulations are published or become effective during or after fabrication, but prior to startup of new facilities or actual installation of the equipment. The commenters asserted that, under this interpretation, compliance may not be possible to achieve without significant delay and associated costs.

A commenter stressed that application of manufacturing specifications (*e.g.*, API Spec. 16A, Spec. 16C, and Spec. 16D), incorporated by reference in certain provisions of this rule, to existing equipment would effectively preclude the use of such equipment. The commenter also claimed that BSEE had not considered the cost of application of those standards in the initial economic analysis for the proposed rule.

- *Response:* During the rulemaking process, BSEE makes a determination about how or whether new and revised regulations will apply to existing operations, equipment, and facilities during the rulemaking process. As a general matter, OCSLA provides that all regulations promulgated thereunder (including this rule) "shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under" OCSLA. (43 U.S.C. 1334(a).)

When BSEE decides to exempt existing operations, equipment, or facilities from a specific provision, BSEE makes that clear in the regulatory text or relevant preamble discussions for the rule. In this rulemaking, each of the specific requirements for equipment or facilities will apply to the equipment or facilities that are described in that provision, without regard to whether the facility or equipment already exists, unless specifically stated otherwise. For example, (as discussed elsewhere in this document), § 250.733(b)(2) of the final rule requires use of a dual bore riser configuration on facilities that plan to use surface BOPs on floating production facilities, if risers are installed 90 or more days after publication of the final rule (*e.g.,* at the effective date of the rule). This means that existing surface BOPS on floating facilities using single bore risers installed less than 90 days after the publication of the final rule (*e.g.,* before the effective date of the rule) are not required to be retrofitted with dual bore risers.

BSEE notes that many of the requirements in this final rule are not new, but are the same as or very similar to longstanding requirements in the existing regulations. Thus, those requirements will simply continue to apply to existing facilities or equipment. In addition, several of the most significant new requirements in this rule do not require compliance for several years—or longer in some cases (see part III of this document)—so the impact of those requirements on existing facilities or equipment will be substantially mitigated by those extended compliance periods (*e.g.,* some equipment potentially affected by some new requirements may already be due for replacement or major updates by the time such new requirements take effect). If there are unique circumstances that indicate that use of some equipment or procedures, other than as specified in this final rule, may be warranted, an operator may seek approval to use alternate equipment or procedures under existing § 250.141, if the operator can demonstrate that such equipment or procedures will provide a level of safety and environmental protection that equals or surpasses these requirements.

b. Requests for Additional Workshops

Summary of Comments: Numerous commenters recommended that BSEE hold additional workshops related to this rulemaking. Most of those commenters recommended that BSEE postpone finalizing the proposed rule, reopen the public comment period, and hold workshops during the new comment period before adopting a final rule. Some commenters, however, suggested that BSEE hold workshops after adopting the final rule, in order to further the industry's understanding of the provisions of this rulemaking. Commenters discussed a number of issues that they asserted warranted such workshops. One commenter stated that industry concerns over perceived technical flaws in, and potentially significant impacts from, the proposed rule, and the limited time provided to comment on the proposal, warranted workshops or some other form of engagement between BSEE and industry to make sure that the regulations are technically viable, provide optimum risk management, and are in the best interest of America's economy and domestic energy security.

A commenter expressed concerns that the proposed rule, as written, would not achieve BSEE's actual goals. This commenter suggested that BSEE should arrange workshops with industry to discuss the meanings of the proposed rules and revise the rules to improve safety while reducing unintended consequences.

- *Response:* As previously discussed in this document, BSEE actively engaged—in meetings, training, workshops and other forums—with many stakeholders, including industry, for several years prior to and during development of the proposed rule. In particular, BSEE convened Federal decision-makers and stakeholders from the OCS industry, academia, and other entities at a public forum on offshore energy safety on May 22, 2012, to discuss ways to address well-control concerns arising from the *Deepwater Horizon* incident investigations. Those investigations and the May 2012 forum resulted in numerous recommendations to enhance safety and environmental protection of offshore operations by improving well control and BOP performance. BSEE recognized the importance of collecting the best ideas, from all perspectives, on the prevention of well-control incidents and blowouts to assist BSEE in developing this rule. This included industry's valuable knowledge and skillsets.

BSEE received significant input and specific recommendations from many industry groups, operators, equipment manufacturers, academics and environmental organizations as a result of the 2012 forum. Subsequently, BSEE sought and received additional input on potential means to improve well control through BSEE attendance at industry and public conferences, industry standards committee meetings, and BSEE's own standards workshops. BSEE also invited industry assessments of BSEE-funded technology research projects related to well control. BSEE conducted at least 50 meetings with various companies, trade associations, regulators, and other stakeholders interested in well control as part of this process.

BSEE considered all of this input in developing the proposed rule published in April 2015. (*See* 80 FR 21508–21509.) Subsequently, at the request of several commenters, including industry commenters, BSEE extended the comment period for the proposed rule to 90 days, so commenters would have even more time to develop and present their views and relevant information.

Subsequently, BSEE received over 170 comments on the proposed rule, some extremely detailed, covering almost every section of the proposed rule, and hundreds of which related to specific technical, economic and other issues. Many of the comments were submitted by members or representatives of the offshore oil and gas industry, as well as environmental groups, academics, other Federal agencies, and interested members of the public. BSEE subject matter experts (including experienced engineers and economists) carefully considered all of the relevant and significant comments in developing this final rule. As discussed elsewhere in this document, BSEE not only responded to those comments, but made a number of revisions to the final rule to address concerns or information described in the comments.

In light of all of these efforts, BSEE does not agree with the commenters that urged BSEE to delay this final rule pending more workshops. BSEE intends to stay fully engaged with the affected industry and other stakeholders as this rule is implemented, and expects to participate in future meetings and workshops where the issues in this rulemaking will continue to be discussed. As experience and additional information are gained under this rule, BSEE will both provide guidance and clarification on this rule, as necessary.

c. Licensed Engineers

Summary of Comments: A commenter recommended that BSEE require the use of a licensed engineer at every stage during the entire life-cycle of OCS platforms, including design, development, construction, commissioning, maintenance, operations and salvage. The commenter noted that licensed professional engineers (PEs) are required by law to hold public safety paramount.

- *Response:* BSEE does not agree that the use of PEs should be required more often than already provided for in this final rule and the existing regulations. Several provisions of the final rule require PE certifications. For example, final § 250.428(b) requires certification by a PE for changes to casing setting depth or hole interval drilling depth and changes to the well program due to an inadequate cement job. There are also several provisions in the existing regulations (*e.g.,* § 250.420(a)(6)(i)) that require, or allow, the use of PEs and that are unchanged by this final rule. In addition, the requirements in this final rule for verifications and certifications by a BAVO or other independent third-party will help ensure that the safety and environmental protection purposes of this rule will be achieved without the need for additional requirements for use of PEs.

d. Requests for Shorter or Longer Compliance Periods

Summary of Comments: Some commenters observed that the proposed rule was published more than five years after the *Deepwater Horizon* incident. The commenters voiced support for the proposed effective date of 3 months following publication of the final rule for most of the proposed rule's requirements, since most, but not all, operators are already using equipment and procedures consistent with a majority of the proposed requirements. The commenters expressed concern with the proposal for longer compliance periods for several key requirements, including: 3 years for RTM; 5 years for shear rams on subsea BOPs and on surface BOPs on floating facilities; and 7 years for a mechanism coupled with each shear ram that centers drill pipe during shearing operations. One of the commenters noted it could be more than sixteen years after the *Deepwater Horizon* incident before BSEE finalizes and the industry implements critical components of offshore drilling safety. The commenters urged BSEE to shorten these compliance periods to enhance safety and environmental protection in an expeditious manner.

BSEE received other comments on the proposed rule, however, that raised concerns that the proposed compliance periods for certain provisions were too short. Those concerns included: Availability of required equipment; time needed to plan and install the equipment; and time needed to develop new or alternative equipment to meet the requirements.

- *Response:* BSEE agrees that it is extremely important to move ahead with these final rules to implement many of the recommendations from the *Deepwater Horizon* investigations and to help prevent catastrophic events from occurring again. BSEE considered a number of factors in identifying appropriate compliance periods for the various provisions in this rule, including information from public commenters on those requirements and information obtained, among other activities, from prior interactions with stakeholders, involvement in development of industry standards, and evaluation of current technology.

BSEE considered all of the comments regarding shortening and lengthening the compliance periods and determined that most of the proposed compliance periods were appropriate. BSEE did, however, determine that several requirements warranted longer compliance periods, as discussed in part III of this document. BSEE believes that compliance with these rules will improve well control, safety and environmental protection in a timely manner for the near and long term.

5. Contractor/Operator/Manufacturer Responsibilities

Summary of comments: Several commenters expressed uncertainty regarding potential responsibilities and liabilities of contractors and individuals performing regulated activities.

- *Response:* These final regulations do not alter BSEE's existing position and interpretations with respect to the parties responsible for complying with applicable regulations and related requirements. The lessee, operator (if one has been designated), and the person that actually performs an activity (which includes contractors) to which a particular provision of a regulation, lease, permit, or plan applies are jointly and severally responsible for complying with that provision. (*See* § 250.146(c).) Regulatory compliance is a fact-specific and context-specific matter, dependent upon that contractor's actual scope of activities and responsibilities (which is typically a matter of private contract with the lessee/operator), and is therefore not susceptible to general characterization. BSEE's responses to specific issues regarding responsibilities for compliance follow.

Summary of comments: Some commenters asserted that if contractors and individuals (along with lessees, operators, *et al.*) are jointly and severally responsible for compliance, proposed § 250.107(a)(4)—requiring lessees, holders of operating rights, designated operators and certain others to comply with all lease, plan, and permit terms and conditions—would implicitly require contractors and other individuals to ascertain all lease, plan, and permit terms and conditions, and potentially would make the contractor and individuals responsible for compliance with all such terms and conditions. The commenters asked if that is what BSEE intended.

- *Response:* Under existing § 250.146(c), the lessee, operator (if one has been designated), and the person actually performing an activity (including contractors or individuals) to which a particular regulation applies are jointly and severally (*i.e.,* equally) responsible for complying with that regulation. Therefore, actual performance of an activity is one of the triggers for the responsibility to comply with the associated requirements of lease, permit and plan terms and conditions of approvals. (*See, e.g.,* existing § 250.101(a).) Accordingly, under final § 250.107(a)(4), any person who actually performs an activity governed by a lease, permit or plan term or condition will also be responsible for compliance with that term or condition.

BSEE expects the person performing such an activity to be familiar with all terms and conditions relevant and applicable to the activity. However, contractors and other parties actually performing specific activities are not responsible for complying with lease, permit or plan terms or conditions that are outside the scope of activities that they actually perform. Thus, it is not necessary for such persons (contractors or individuals) to be familiar with terms or conditions of the lease, permit or plan that are not associated with activities that they actually perform.

Summary of comments: Some commenters asked whether, under proposed § 250.107(e)—regarding BSEE orders to ensure compliance with the part 250 regulations—BSEE would issue orders to shut-in operations to the "lessee, the owner or holder of operating rights, a designated operator or agent of the lessee(s)" and any person actually performing the activity.

- *Response:* BSEE has the legal authority under OCSLA and its implementing regulations to issue shut-in orders to the lessee, operator (if one has been designated), and the person (which includes contractors) actually performing an activity to which a particular regulation, lease, permit, or plan applies. Regardless of whether BSEE orders a contractor to shut-in operations, BSEE will typically issue such an order to the lessee or designated operator in such cases.

Summary of comments: Some commenters asked whether, under proposed § 250.428(d)—which pertains to certain cementing and casing situations—reports to the District Manager of immediate actions taken to ensure the safety of the crew or to prevent a well-control event, create an obligation for contractors to provide individual reports or to verify that such reports have been submitted by the operator.

- *Response:* As a general matter, BSEE looks to the designated operator to make filings on behalf of all lessees and owners of operating rights. More specifically, new § 250.428(d) describes actions a lessee (among others included in the definition of "you" in § 250.105) must take when remediating inadequate cement jobs. Because existing § 250.146(c) states that when a regulation requires that a lessee take an action, the person actually performing the activity is also responsible for complying with that requirement, it follows that the lessees' reporting duties under § 250.428(d) for immediate action to remediate inadequate cement jobs could extend to a contractor to the extent that contractor actually performs the activity.

Summary of comments: Some commenters asked BSEE to clarify who is ultimately responsible for the determination that a well has been secured, under proposed § 250.703(c), which requires continuous surveillance of the rig floor from the beginning of operations until the well is completed or abandoned unless the well has been secured.

- *Response:* Under § 250.146(c), the lessee, operator (if one has been designated), and the person actually performing the activity are jointly and severally responsible for complying with the regulation. If a contractor actually performs activities associated with securing a well, that contractor is responsible for complying with this regulation in performing those activities.

Summary of comments: Some commenters asked if, under proposed § 250.712, which discusses rig movement reporting requirements, BSEE expects rig movement reports to be made directly by a drilling contractor and if the drilling contractor will be held responsible for the report in the absence of reporting by the operator.

- *Response:* Under existing § 250.146(c) and final § 250.712, the lessee, operator (if one has been designated), and the person (including a contractor) actually performing the activity are jointly and severally responsible for complying with this rig movement reporting regulation. However, it does not follow that, even if a contractor actually moves the rig, the contractor must report the movement. When parties are jointly and severally responsible to comply with a requirement, any of the responsible parties could satisfy that requirement; in general, BSEE would expect the lessee or the operator to file such a report, although there may be circumstances in which it would be reasonable and prudent for the contractor who moved the rig to submit the report. In all cases, at least one of the responsible parties must fulfill the regulatory requirements.

Summary of comments: Some commenters asked whether, under proposed § 250.715(f)—which requires lessees, designated operators, holders of operating rights (and other entities specified in the § 250.105 definition of "you") to allow BSEE real-time access to MODU or jack-up location data—BSEE expects that a drilling contractor will directly provide BSEE with access to rig location data, and whether the drilling contractor will be held responsible for providing such access only in the absence of any action by the operator.

- *Response:* Final § 250.715(f) requires lessees, designated operators, holders of operating rights (and other entities specified in the existing § 250.105 definition of "you") to allow BSEE real-time access to MODU or jack-up location data. Under existing § 250.146(c) however, the lessee, operator (if one has been designated), and the person actually performing the activity (including a contractor) required by § 250.715(f) are jointly and severally responsible for providing BSEE with access to rig location data.

Summary of comments: A commenter asked whether, under proposed § 250.720 (securing of wells), a contractor would bear a residual responsibility/liability for downhole integrity of the well or the effectiveness of the well plugs.

- *Response:* Final § 250.720 specifies a number of well security procedures that must be followed before moving off the well. Some of those procedures are substantive and require physical activity (such as installing two independent barriers) and some are administrative (*e.g.,* seeking approval by the BSEE District Manager for installation of independent barriers). In some cases, certain activities under § 250.720 may be performed by a contractor or another person acting on behalf of the lessee or operator. In accordance with § 250.146(c), the lessee, designated operator, and the person actually performing any activity related to securing a well under § 250.720 are jointly and severally responsible for complying with the requirements of that section. It is not possible, however, to specify in advance how multi-party responsibility for compliance (and liability for noncompliance) with § 250.720 would be apportioned among lessees, operators, or other persons (including contractors) who perform any of the actions required by § 250.720 because responsibility would necessarily depend on fact-specific circumstances associated with each case. BSEE notes, however, that § 250.720 does not expressly require the installation of plugs or address the issue of "residual responsibility" for long-term integrity of the well; rather, it requires the installation of two independent barriers and approval by the District Manager of those barriers or of alternative procedures for securing the well if it is not possible to install the barriers.

Summary of comments: Some commenters asked whether there is an implicit requirement under proposed § 250.724, regarding RTM, for contractors or individuals who perform any of the actions required by § 250.724 to: Maintain duplicate records; and ascertain if the required real-time data gathering, monitoring, recordkeeping and transmission are being undertaken by the operator and, if they are not, to suspend operations.

- *Response:* As discussed in part V.B.4 of this document, the final RTM requirements in § 250.724 are somewhat different, based on other comments received, than the proposed requirements. However, although under existing § 250.146(c) and final § 250.724, the lessee, designated operator, and the person (including a contractor) actually performing the activity are jointly and severally responsible for complying with the final RTM requirements, neither the proposed nor final rule requires the contractor (or other person) to keep duplicate records. Nor does the final regulation require a contractor to determine whether a lessee or operator is otherwise gathering, recording, storing or transmitting required real-time data beyond the activities actually performed by the contractor or other person.

Summary of comments: Under proposed § 250.730(c)—regarding follow-up activities after a BOP equipment failure—a commenter asserted that a prudent drilling contractor would conduct such follow-up, especially since API Standard 53 covers follow-up activities. The commenter claimed that incorporation of that standard in the rule would make the standard's follow-up requirements mandatory. However, the commenter questioned whether a contractor would have a regulatory obligation to perform those follow-up activities. The commenter also asked what, if any, regulatory obligations are created for equipment manufacturers.

- *Response:* To the extent that a drilling contractor actually performs any BOP equipment follow-up activity required by final § 250.730(c), the contractor is jointly and severally responsible, along with the lessee and designated operator, for compliance with the specific requirement applicable to that activity. In particular, if the contractor performs any of the reporting or notification required by § 250.730(c), the contractor is responsible, along with the lessee and designated operator, for complying with the terms of the applicable requirement(s). If the contractor (or any other person) is not actually performing a required activity, but believes that a lessee, operator or other person may have failed to comply with any applicable requirement under BSEE's regulations, the contractor may report such noncompliance to BSEE in accordance with § 250.193.

Section 250.730(c) does not impose any requirements on OEMs.

Summary of comments: With regard to the proposed recordkeeping requirements in proposed §§ 250.740, 250.741, and 250.746, one commenter stated that, while a prudent drilling contractor presumably would maintain relevant records, such prudence differs from a regulatory obligation to do so. The commenter also asked whether BSEE's intends that these provisions create a regulatory requirement for contractors or individuals to maintain records duplicating those maintained by the operator.

- *Response:* To the degree that a contractor or any other person actually performs any of the recordkeeping activities required by §§ 250.740, 250.741, and 250.746, that person is jointly and severally responsible, with the lessee and designated operator (if any), for complying with the applicable requirements, including record retention, imposed by those sections. Those provisions of the final rule do not, however, require that the lessee, designated operator, or the person performing the recordkeeping requirements maintain duplicate copies of the records kept by other jointly responsible parties.

6. Economic Analysis Comments

a. Analysis Period Used in the Initial Regulatory Impact Analysis (RIA)

Summary of comments: BSEE received several comments suggesting that the analysis period used in the initial RIA [10] for the proposed rule was insufficient to fully assess the impacts of the rule on OCS operations. Commenters noted, in particular, that offshore developments and equipment have lifecycles of 20 to 30 years, making the 10-year analysis period used in the initial RIA insufficient for estimating the costs and benefits of the rule.

- *Response:* BSEE determined that that the 10-year analysis period used in the initial RIA is appropriate to maintain reasonable certainty of the estimates, given the uncertainties that exist beyond 10 years with regard to industry activities, technological change, and energy markets.

b. Issues Associated With the Economic Baseline

Summary of comments: BSEE received several comments on the initial RIA indicating that some of the costs assumed to be part of the baseline (and, therefore, not considered costs of the rule) are actually related to activities that either are not covered by current industry standards or are not in accordance with existing regulations. Specifically, commenters referred to costs related to requirements for activity reporting and recordkeeping, BOP system testing, autoshear/deadman/EDS systems, casing and cementing, maintenance and inspection, and redundant components for well control, among others, as examples of costs the analysis purportedly failed to consider because they were assumed to be part of the baseline.

- *Response:* BSEE established the baseline used in the initial (and the final) RIA in accordance with the guidance provided by Office of Management and Budget (OMB) Circular A–4 ("Regulatory Analysis"). This guidance states that the "baseline should be a best assessment of the way the world would look absent the proposed action[,]" i.e., without the implementation this final rule. (OMB Circular A–4 sec. E. 2. "Developing a Baseline.") Without this rule, BSEE's best assessment of the way the world would look includes compliance costs associated with current industry practices, existing regulations, DWOPs, NTLs, and industry standards. Therefore, based on the Circular A–4 guidance, BSEE has reasonably determined that the costs listed by the commenters are appropriately included in the baseline.

In contrast, many of the comments appeared to assume that any cost associated with requirements of this regulation is a cost of the rule regardless of whether that cost is already incurred based on current standard industry practice, existing regulations, or other indicators of state of the world in the absence of this rule. This assumption is inconsistent with both OMB guidance and with the general principles upon which an RIA is based. Additional discussion of BSEE's development of the baseline scenario can be found in Section 4 and in Appendix A of the final RIA for this rule, which is available in the regulatory docket at *www.regulations.gov* (enter BSEE–2015–0002).

c. Costs Related to Equivalent Circulating Density Information

Summary of comments: One comment on the initial RIA asserted that the requirement to include information on the ECD under proposed § 250.413 would take additional time by the drilling engineer and additional staff time to interface with BSEE personnel.

- *Response:* BSEE notes that this information is already included in the driller's report, which is an existing requirement, and thus there is no additional cost as a result of this requirement.

d. Costs Related to Wellhead Systems Information

Summary of comments: One comment stated that the additional information to be provided on wellhead systems under proposed § 250.414(j) would require operators to include wellhead and liner hanger specifications in the APD, resulting in an additional cost to operators.

- *Response:* This information is readily available from the OEM, once the operator purchases the wellheads, so the additional cost to operators due to these requirements should be minimal.

e. Tubing and Wellhead Equipment Costs

Summary of comments: Some comments asserted that BSEE failed to adequately consider costs associated with the requirements in proposed §§ 250.518 and 250.619 for complying with industry standards for tubing and wellhead equipment.

- *Response:* BSEE notes that these costs are included in the baseline since the only requirements in these sections that impose any costs are those associated with meeting the existing industry standard (*i.e.*, API spec. 11D1) for tubing and wellhead equipment that industry already follows.

f. Installation of Locking Devices

Summary of comments: Some comments suggested that BSEE had not included the cost of requiring the installation of hydraulically operated locks on surface BOP systems, under proposed § 250.733 (now covered under final § 250.735(g).)

- *Response:* Although the revised final rule will not require installation of hydraulically operated locks on surface BOP systems (as discussed in part VI.C),

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[10] This document uses the terms "initial RIA" and "initial economic analysis" interchangeably. Both terms refer to the initial regulatory impact analysis performed for the proposed rule, as required by E.O. 12866, which is available in the regulatory docket for this rule at: *www.regulations.gov* (Enter BSEE–2015–0002).

BSEE agrees with the comment that the costs of installing hydraulic locks should have been included in the initial RIA. Under the revised final § 250.735(g), operators are not require to install hydraulic locks on surface BOPs. Instead, operators must install remotely-operated locks (which may but are not required to be hydraulic locks) on surface BOP blind shear rams and must install either manual or remotely-operated locks on surface BOP pipe rams or variable bore rams. Although not required to do so, operators may choose to comply with this revised requirement by installing hydraulic locks on some or all of these surface BOP sealing rams. Therefore, as one of the comments suggested, BSEE has added to the final economic analysis a one-time cost of $50,000 for each of the estimated 50 surface BOP rigs that could choose to install hydraulic locks this installation. Accordingly, the final RIA includes a one-time cost to industry of $2.5 million.

g. Capping Stack Test Costs

Summary of comments: Some comments suggested that BSEE underestimated the costs of capping stack tests in the initial RIA.

- *Response:* BSEE analyzed these comments and agrees that the cost estimate should be revised upward. Using information provided in one of the comments, BSEE revised the cost estimate (to industry overall) from $80,000 per year to $226,000 per year.

h. Costs related to Safe Drilling Margins

Summary of comments: Some comments suggested that the costs in the initial RIA should have included a higher cost for the requirement for safe drilling margins under proposed § 250.414. The proposed requirement specified that the static mud hole weight must be at least 0.5 ppg below the minimum of the lower of the estimated fracture gradient or the casing shoe pressure integrity test (the 0.5 ppg safe drilling margin).

- *Response:* This proposed requirement was revised in the final rule to allow for alternative drilling margins in situations where the operator provides justification and documentation in the APD that warrant variations, based on the specific well conditions, in order to maintain a level of safety equivalent to the 0.5 ppg requirement. Because the 0.5 ppg safe drilling margin is consistent with typical margins in approved APDs under current BSEE and industry practice, and the provision for approval of alternative margins is consistent with existing § 250.141, the costs associated with complying with these safe drilling margin requirements (other than minor administrative and recordkeeping costs) are part of the baseline.

Additionally, the commenters' estimated costs for complying with the proposed safe drilling margin requirements, based on the proposed language, would be significantly less under the final regulatory language, which provides operators with more flexibility to set lower drilling margins, upon providing adequate documentation with the APD submittal and receiving approval by BSEE.

i. RTM-Related Costs

Summary of comments: BSEE received several comments suggesting that the costs associated with RTM requirements for well operations were underestimated in the initial RIA.

- *Response*: These comments tended to assume greater demands on the RTM systems (such as the exchange of more information through RTM than was necessary, or the mandatory creation of new RTM centers) than the proposed rule actually intended. Further, BSEE has clarified and modified several aspects of the RTM requirements, and made them more performance-based, in the final rule. Although the performance-based requirements should make the RTM provisions less costly overall than the proposed requirements (since operators presumably will use the lowest cost means to achieve the performance goals), the final rule retains several of the proposed RTM requirements that were the basis of most of the RTM-related costs estimated in the initial RIA. (For example, the final rule still requires that operators gather and monitor RTM data, using an independent automated system, on the well's BOP control system, the fluid handling system, and downhole conditions.) After further review of its initial RIA, BSEE has concluded that the initial costs estimates for the proposed RTM requirements, as they were originally intended, are a reasonable and conservative upper bound on the potential costs of the final rule, and that the commenters' higher estimates were based on incorrect assumptions about the scope and intent of the proposed requirements. Accordingly, BSEE has retained the initial costs estimates for RTM in the final RIA. Further discussion of the cost estimates for the final RTM requirements are found in part VIII, "Regulatory Planning and Review," and in the final RIA.

j. BAVO-Related Costs

Summary of comments: New paragraph (a) in final § 250.732 requires any organizations that want to become a BAVO to submit certain information. Some comments suggested that this imposes additional paperwork costs on industry.

- *Response*: BSEE agrees and the final RIA estimates that these costs will result in an increase of approximately $10,000 annually to industry, including BAVO applicants.

k. MIA Report Costs

Summary of comments: BSEE received a comment that included a substantially higher estimate of the cost to operators for submitting the MIA Report to BSEE.

- *Response*: BSEE notes that the commenter incorrectly calculated this cost on a per-well basis, instead of on a per-rig basis, which is how the cost will actually be accrued. Accordingly, we have made no change to the initial RIA cost estimate, which is included in the final RIA.

l. Surface BOP Stacks and Drilling Risers Costs

Summary of comments: BSEE received comments asserting that the estimated costs in the initial RIA associated with the dual bore drilling riser requirements for surface BOP stacks were incomplete. In particular, one comment asserted that the proposed requirement for dual bore risers would necessitate the replacement of several existing riser systems.

- *Response*: The dual bore riser requirements in final § 250.733(b)(2) are limited to facilities or BOPs that are installed after the effective date for those requirements. Thus, BSEE does not anticipate any additional replacement costs for current drilling risers.

m. Gas Bleed Line Requirement Costs

Summary of comments: Some comments suggested that BSEE underestimated the cost of the requirement involving the installation of a gas bleed line under proposed § 250.734(a)(15).

- *Response*: BSEE has revised this requirement in the final rule by clarifying that the gas bleed line must be installed below the upper annular (not below both annulars), and the final requirement thus costs less than the proposed requirement would have cost. Moreover, based on BSEE's most recent analysis, the vast majority of subsea BOPs already have a gas bleed line installed, and the ones that do not will require only very slight modification under the final rule. Thus, the final RIA estimates a lower cost of compliance for this provision of the final rule.

n. Costs of Accumulator System Requirements

Summary of comments: BSEE received comments on the proposed accumulator system requirements in the proposed rule at § 250.735, including estimates of industry costs to comply with these requirements. Many of the estimated costs in these comments exceeded the costs estimated by BSEE in the initial RIA.

- *Response*: The final regulatory text for this requirement has been changed to better align with API Standard 53, thereby reducing its cost to industry. The remaining costs to comply with this final requirement are now minimal, as described in the final RIA.

o. Costs Related To Testing of ROV Intervention Functions

Summary of comments: BSEE received a comment that the testing of ROV intervention functions under proposed § 250.737 would require additional operational time per well, thereby imposing an additional cost.

- *Response*: BSEE does not estimate that there will be any additional costs to operators in this regard since such testing is consistent with industry standards, and is thus within the baseline of the analysis.

p. Costs Related To Breakdown and Inspection of BOP System and Components

Summary of comments: Several commenters asserted that the requirement in proposed § 250.739 that operators break down the entire BOP system every 5 years for inspection, without the option to phase or stagger inspection, would cause rigs to be out of service for extended periods of time, at substantial opportunity costs to industry.

- *Response*: As described in detail in parts V.B.3 and VI.C of this document, BSEE has revised the requirement in § 250.739 of the final rule to allow for phased inspections over the course of 5 years. This change should eliminate the need for rigs to be brought out of service for extended periods of time, and thus reduces if not eliminates the opportunity costs of such inspections.

q. Indirect Economic Impacts of the Rule

Summary of comments: *Claimed indirect costs*—Some comments suggested that BSEE should consider additional impacts of the rule. For example, several comments asserted that the analysis did not appropriately account for broader "indirect" economic costs (such as costs arising out of job losses associated with reduced exploratory drilling activities) that commenters asserted may occur as a result of the rule. One of these comments also provided an economic analysis of the broad effects of the rule on the national economy.

- *Response*: BSEE does not agree that what the commenter has described as "indirect costs" of the rule are within the scope of the RIA as required by E.O. 12866. OMB Circular A–4 characterizes the indirect effects of a rulemaking as "ancillary benefits and countervailing risks," but also states that these types of forecasted consequences, if highly speculative, may not be worth further formal analysis. Because there are a number of important and variable factors (unrelated to the implementation of the new regulations), such as the future price of oil, that will impact both the offshore oil and gas labor market and the marketplace for offshore oil and gas equipment and products, BSEE believes it is too speculative to predict whether this rulemaking will have the types of broad and indirect effects discussed by the comments. In addition, the indirect impacts expressed by the comments appear to be overstated or based upon certain assumptions for which there is no clear foundation.[11] Moreover, many of those estimated costs appear to be associated with requirements that are part of the economic baseline (*e.g.,* compliance with relevant provisions of API Standard 53); while others are associated with requirements discussed in the proposed rule that are not included in the final rule (*e.g.,* the proposed 1.5 times volume capacity accumulator requirement).

In addition, the commenters did not take into account the potential benefits to industry in terms of reduced costs of operation associated with implementation of the new regulations. For example, the reduction in costs attributable to the change in the BOP pressure testing frequency for workovers and decommissioning will exceed the costs that will result from the final rule.

The commenters also did not account for the indirect benefits from the rulemaking that may accrue to entities other than offshore operators. For example, the requirements for new equipment and for use of BAVOs may result in an increase in the offshore labor force, which should result in overall economic benefits. Although such indirect benefits may also be speculative, and thus do not warrant further analysis under OMB Circular A–4, their absence from the commenters' estimates means that their estimates do not present a complete picture of all of the potential indirect effects.

Summary of comments: *Costs to Contractors*—Several commenters asserted that BSEE did not adequately account for the additional costs to contractors that would result from the proposed rule.

- *Response*: BSEE disagrees with this comment because, in estimating costs, BSEE considered the costs of all of the equipment and labor services that would be needed to meet new requirements, regardless of how that equipment or labor is provided (whether by lessees, operators, or contractors).

Summary of comments: *Offshore support industries*—Commenters also stated that BSEE overlooked potential negative impacts to industries that support offshore oil and gas exploration and development.

- *Response*: BSEE disagrees with this comment. The economic analysis included in the initial RIA considered the costs of all of the equipment and labor services that would be needed to meet the new requirements. Many of the negative impacts projected by the commenters are speculative and outside the scope of the type of analysis required to support this rulemaking. (For example, one comment stated that the rule was "unworkable as written and could effectively shut-down drilling operations . . . similar to another drilling moratorium.") In addition, some commenters projected additional costs to industries that support offshore oil and gas exploration and development, but did not address whether there are potential benefits to other types of industries resulting from the new requirements. Thus, even assuming they were within the scope of this analysis, these comments do not present a complete picture of the potential impacts on other industries.

r. Impacts of the Regulation on National Energy Security

Summary of comments: BSEE received comments that the initial RIA did not account for the impacts of the proposed regulation on national energy security. These comments suggested that the rule would weaken national energy security by reducing domestic oil production and increasing reliance on foreign oil.

- *Response*: BSEE does not agree with this comment. The commenters' prediction about the weakening of national energy security is highly speculative and thus outside of the scope of the regulatory impact analysis required by E.O. 12866 and OMB Circular A–4. For example, these comments apparently assume that this rulemaking will cause a reduction in domestic oil production over some period of time. As previously discussed, the net economic effect of the final rule on the oil and gas industry should be positive (*i.e.*, the potential benefits exceed the potential costs), which does not support the assumption of a reduction in domestic oil production. Rather, future technological advancements and variable market factors (*e.g.*, the price of oil) unrelated to the requirements of this final rule, are more likely to affect the future domestic oil production.

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[11] For example, one comment assumed that the costs of the rule would lead to a 20 percent decrease in the number of floating units and over 30 percent decrease in fixed platforms, but provided no explanation for those assumptions.

7. Clarification of Maximum Anticipated Surface Pressure (MASP)

Summary of comments: Some commenters recommended that BSEE change the reference to MASP in specific sections throughout the rule (*e.g.*, proposed § 250.734(a), requiring that the working pressure rating of each BOP component exceed the applicable MASP) to "maximum anticipated wellhead pressure" (MAWHP). They asserted that there is no industry agreed-upon definition of MASP, but that MAWHP is defined in API Standard 53.

- *Response*: BSEE does not agree that the recommended change is necessary. The MASP must be identified for the specific operation, and for a subsea BOP, the MASP must be taken at the mudline, as explained in § 250.730(a). As a practical matter, for surface BOPs, the MASP is the same as the MAWHP; and for subsea BOPs, the MASP, when taken at the mudline, as required by § 250.730(a), is also the same as the MAWHP. BSEE does not agree that use of MASP will cause any confusion. BSEE's existing regulations (*e.g.*, former § 250.448(b)), have long used the term MASP, and BSEE does not believe that the industry will have any difficulty understanding the meaning and use of that term in this rule.

C. Section-By-Section Summary and Responses to Significant Comments on the Proposed Rule

This summary discusses every section of 30 CFR part 250 covered by the proposed rule and this final rulemaking; sections of the existing regulations that were not addressed in the proposed or final rule are not included in this summary. BSEE did not receive any substantive comments on numerous sections covered by the proposed rule; those sections are included in this final rule and are summarized here. BSEE received substantive comments on many other sections covered by the proposed rule, some of which have been included in this final rule without revision and some of which have been revised in the final rule. Those sections, and the relevant comments on those sections as well as BSEE's responses are summarized here.

Subpart A—General

What does this part do? (§ 250.102)

This section of the existing regulation provides information on where to find information about various OCS operations in 30 CFR part 250. BSEE proposed to add new information to this section so the public will know where they can find requirements for well operations and equipment in new subpart G. BSEE received no substantive comments on this provision of the proposed rule and has included the proposed language in the final rule without change.

What must I do to protect health, safety, property, and the environment? (§ 250.107)

This section of the existing regulation lays out performance-based and other requirement that operators must meet to protect safety, health, property and the environment and requires the use of BAST whenever practical. BSEE proposed several revisions to this existing regulation. BSEE proposed to revise paragraph (a) of this section to include performance-based requirements that operators utilize recognized engineering practices that reduce risks to the lowest level practicable during activities covered by the regulations and conduct all activities pursuant to the applicable lease, plan, or permit terms or conditions of approval. BSEE also proposed adding new paragraph (e) to clarify BSEE's authority to issue orders when necessary to protect health, safety, property, or the environment. BSEE received several comments on the proposed changes and additions to this section but, for the following reasons, has included the proposed language in the final rule without change.

Comments Related to Proposed § 250.107—Suggested Standards for Incorporation

Summary of comments: Commenters expressed several concerns about this section. One commenter focused on the performance-based intent of this section. The commenter recommended that BSEE incorporate by reference established and well known standards (International Electrotechnical Commission (IEC) 61508 and 61511)) to support the provisions. The commenter suggested that these standards, which are for developing safety instrument systems, including programmable systems (*i.e.*, software), to a target level of reliability, could be adapted to support the rule. The commenter suggested that the methodology in IEC 61508 and 61511 could be used to manage components and materials to ensure quality, so that reliability is not degraded and can be controlled via this process even if original parts are replaced by less expensive versions that have the same specification.

- *Response*: The international electrical standards referred to by the commenter (which apply broadly to electrical and electronic systems used to carry out safety functions and are not specifically related to well control systems) were not proposed for incorporation in the proposed rule and are outside the scope of this rulemaking. However, BSEE may evaluate those standards at a later date and, if BSEE determines that it is reasonable and appropriate to incorporate some parts or all of those standards, BSEE may propose to do so in another rulemaking.

Comments Related to Proposed § 250.107(a)—Definition of "You"

Summary of comments: Some commenters asserted that proposed § 250.107(a)(4)—requiring lessees, designated operators, and other persons specified in the existing definition of "you" in § 250.105, to comply with all lease, plan and permit terms and conditions—creates an implicit requirement for contractors or individuals performing specific activities subject to the regulations to ascertain all lease, plan, and permit terms and conditions.

- *Response*: As discussed in part VI.B.5 of this document, compliance with § 250.107(a)(4) does not require a contractor or other individual performing specific activities required by the part 250 regulations to be knowledgeable about every term in a lease, permit or plan if those terms are unrelated to the specific activities performed by the contractor. However, because existing § 250.146(c) makes any person who actually performs an activity jointly and severally responsible for compliance with the applicable regulatory provision, such persons should be familiar with the terms and conditions of the lease, permit or plan that are relevant to that activity.

Comments Related to Proposed § 250.107(a)(3)—Concerns Related to BAST

Summary of comments: Multiple commenters asserted that the new language in proposed § 250.107(a)(3) would implicitly change the BAST provisions in former § 250.107(c). In particular, multiple comments focused on the requirement in proposed § 250.107(a)(3) that lessees, operators, and others defined as "you" by § 250.105 use "recognized engineering practices" to reduce risks to the lowest practicable level. These commenters noted that the term "recognized engineering practices" is not defined in the regulations and questioned what practices would be considered as "recognized" and where the recognized practices would be referenced. Commenters also questioned what would happen if arguably better engineering methods and practices are developed in the future, but are not yet generally "recognized" by industry.

- *Response*: It is unclear why the commenter believed the new requirements proposed in § 250.107(a)(3) would change the BAST provisions in § 250.107(c). The commenter may have assumed that the new requirement would supersede or be inconsistent with the requirement to use BAST whenever practical. However, § 250.107(a)(3) does not change the BAST requirement; in fact, the new requirement is intended to complement the BAST provision by establishing a risk-based goal (to reduce risks to the lowest practicable level), and a performance-based requirement that lessees/operators meet that goal by using recognized engineering practices, when conducting certain regulated activities (*i.e.*, design, fabrication, installation, operation, inspection, repair, and maintenance). Such risk reduction and performance-based approaches are used in other provisions of this final rule and other BSEE regulations.

Regarding the specific comments on "recognized engineering practices," BSEE expects that those practices may be drawn, for example, from established codes, industry standards, published peer-reviewed technical reports or industry recommended practices, and similar documents applicable to relevant engineering activities. BSEE may issue additional guidance on such issues in the future, when and if specific circumstances warrant such guidance.

Comments Related to Proposed § 250.107(a)(3)—Suggestions for Alternative Approaches To Reducing Risks

Summary of comments: One commenter commended BSEE for proposing the general performance-based requirement in § 250.107(a)(3) to reduce risks to their lowest practicable levels. The commenter noted that regulators can play a role in defining and challenging companies' risk control measures, and that this active engagement with industry drives down risk. The commenter also asserted that many of the other requirements in the proposed rule are overly prescriptive. The commenter suggested that prescriptive requirements can lead to safety plateaus, instead of continual improvements, and that some of the standards referenced in the proposed rule may not always reflect current industry best practices and, thus, would not encourage innovation. The commenter stated that it would be better for BSEE's regulations to include provisions that adapt in real-time to industry best practices and innovations.

- *Response*: BSEE agrees with the commenter's suggestion that it is often appropriate to use performance-based requirements that set safety and environmental protection goals and encourage innovation and continual improvement in meeting those goals, and that new § 250.107(a)(3) is such a requirement. In addition, numerous other provisions in this final rule are also performance-based. As to the commenter's suggestion that there may be additional opportunities to include more performance-based measures (presumably in lieu of prescriptive requirements) in this rule, the commenter provided no specific alternatives for BSEE to consider. In any event, as explained elsewhere in this document, the final rule revises several provisions of the proposed rule, as suggested by other commenters, to make them less prescriptive and more performance-based (*e.g.*, the revised safe drilling margin provision in final § 250.414(c)). On the whole, BSEE believes that this final rule effectively combines prescriptive and performance-based measures, as appropriate, to ensure and improve well control and to prevent harm to persons and the environment.

Comments Related to Proposed § 250.107(e)—Concerns About BSEE-Issued Orders

Summary of comments: A commenter asked whether orders issued by BSEE under proposed § 250.107(e) (*e.g.*, to ensure compliance with 30 CFR part 250 regulations, or to prevent serious, irreparable or immediate harm, or to stop violations of the law) would be issued to both the "lessee, the owner or holder of operating rights, a designated operator or agent of the lessee(s)" and to any person actually performing the activity. Another commenter stated that the orders described in proposed § 250.107(e) are reactive methods for enforcing performance requirements, and that reactive methods are not enough to reduce risks to the lowest level.

- *Response*: Regarding the entities to whom BSEE may issue orders under new § 250.107(e), it would be premature and speculative for BSEE to identify in advance all of the parties to whom any specific order may be issued. Orders will be issued on a case-by-case basis as appropriate under the particular circumstances of each case. BSEE has legal authority to issue shut-in orders to lessees, operators (if designated) and any person (including contractors) who actually performs any activity to which a regulation or lease, plan or permit term applies. Whether or not BSEE orders a contractor to shut-in operations (suspension), BSEE typically also issues a corresponding order to the lessee or designated operator in these cases.

BSEE agrees with the comment stating that orders issued under this section could, at least in some cases, be 'reactive" in nature, and that reactive measures alone may not be enough to reduce risks to the lowest level. However, any orders issued under § 250.107(e) would be only one of many measures established by this final rule, most of which set performance goals or prescribe specific measures to be taken in advance of any harm, to improve safety and environmental protection. BSEE has determined that orders authorized by paragraph (e) are an appropriate complement to those other measures to ensure that the regulations, as a whole, achieve their protective purpose.

Service Fees (§ 250.125)

The table in this section of the existing regulation lists fees that operators must pay to BSEE for certain services. BSEE proposed to revise this section to reflect the current citation for payment of the service fee relating to DWOPs. BSEE received no substantive comments on this provision of the proposed rule and has included the proposed language in the final rule without change.

Documents Incorporated by Reference (§ 250.198)

This section of the existing regulation includes citations and other information regarding all documents (*e.g.*, industry standards) incorporated by reference in 30 CFR part 250, including where to find references to the incorporated documents in specific sections of the regulations. This section also discusses BSEE's process for incorporating documents by reference, the regulatory effects of incorporation, and procedures that operators may follow to seek BSEE's approval to comply with alternatives to an incorporated document. BSEE proposed revising this section to add references to the standards to be incorporated by reference in subpart G. BSEE received several comments on the proposed additions to § 250.198. BSEE considered those comments and, for the following reasons, has retained the proposed language, without change, in the final rule.

Comments Related to Proposed § 250.198—Technical Support Documents

Summary of comments: A commenter requested that BSEE publish "technical support documents" summarizing its work in reviewing each standard that it proposed to incorporate by reference in this rule, including a determination that each standard is BAST.

- *Response*: All of the documents proposed to be incorporated by reference in this rulemaking were and are available for public review. The National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113) requires that BSEE rely on voluntary consensus standards where practical, Public Law 104–113, section 12(d). BSEE reliance on these standards is principally achieved through incorporation by reference of industry standards into the bureau's regulations. It is unclear what "technical support documents" the commenter is referring to, but the NTTAA does not require an agency to publish its underlying deliberations on why it is appropriate to incorporate by reference a specific standard. BSEE has explained its reasons for incorporating the standards referenced in this rulemaking in both the proposed rule and this preamble.

In addition, BSEE does not make a BAST determination in connection with the incorporation of industry standards. BSEE's authority under the NTTAA to incorporate industry standards into BSEE regulations is separate from the authority to require BAST under OCSLA. The NTTAA mandates that Federal agencies use technical standards developed or adopted by voluntary consensus standards bodies, as opposed to using government-unique standards, when practical. BSEE follows the requirements of the NTTAA and of OMB Circular A–119 when incorporating standards into the regulations. These are not tied to the BAST concepts derived from OCSLA or its implementing regulations.

Comments Related to Proposed § 250.198—Concerns About the Incorporation of Earlier Editions of Standards

Summary of comments: A number of commenters noted that some of the standards proposed for incorporation by reference in this rule do not reflect the current editions of those standards. Commenters requested that BSEE update those standards to the current editions when incorporated in the final rule. Commenters stated that the updated standards reflect the latest knowledge and experience of industry experts resulting from a collaborative review of the standards. They also stated that older editions of some standards are no longer available, and that incorporation of older editions may create confusion. Commenters suggested that, to resolve the issue of keeping incorporated standards up to date, BSEE should remove references to specific editions of the standards and add language to the regulations that refers to the "most current edition" of a standard.

- *Response:* BSEE recognizes the concern related to incorporating the most current edition of each standard. BSEE reviews all standards incorporated by reference to ensure they are appropriate and technically sound. BSEE can choose to keep a certain edition in the regulations even if there is an updated edition (*e.g.*, if BSEE does not agree with the technical changes or options allowed in a newer edition of an industry standard). This is done on a case-by-case basis for each standard. The change to a new edition, or removal of a discontinued standard, is not automatic and requires rulemaking. (In some cases, BSEE may use a direct final rule to incorporate new editions of standards already incorporated, if the new edition meets the requirements of § 250.198(a)(2)). BSEE is actively reviewing new editions of many standards, although newer editions are constantly in development.

Moreover, BSEE is prohibited, under applicable rules governing incorporation by reference, from automatically incorporating future amendments to or editions of a standard. (*See* 1 CFR 51.2(f); 30 CFR 250.198(a)(1).) However, operators may comply with a later edition of a standard incorporated in BSEE regulations if the operator demonstrates that compliance with the newer edition is at least as protective as the incorporated edition, and if BSEE approves the alternative compliance. (*See* 30 CFR 250.198(c).) Operators can also continue to use older standards, other than those incorporated by reference, if they can demonstrate an equivalent level of safety and environmental protection, pursuant to § 250.141.

Comments Related to Proposed § 250.198—Effective Dates of Standards

Summary of comments: Other commenters requested that, for standards applicable to equipment requirements under this rule, BSEE add provisions that allow the operator to use the standard that was in effect at the date the specific equipment was manufactured. This would prevent existing equipment and facilities that were manufactured and accepted under previous standards from being rendered obsolete by regulations incorporating newer standards. One commenter noted that BSEE is taking that approach with another rulemaking; *i.e.*, proposed updating of the edition of API Spec. 2C for offshore pedestal-mounted cranes currently incorporated in § 250.108 (*see* 80 FR 34113 (June 15, 2015)). Commenters specifically cited the need to apply this approach to four standards proposed for incorporation in this rule: ANSI/API Spec. 16A, ANSI/API Spec. 16C, API Spec. 16D, and API RP 17H. However, another commenter recommended that BSEE require operators with existing equipment to comply with the latest industry standards contained in API Standard 53.

- *Response:* BSEE has addressed comments regarding the applicability of this rule's equipment requirements to existing equipment and facilities (*e.g.*, requests to "grandfather" in existing equipment and facilities) in part VI.B of this document. With respect to the suggestion that BSEE require compliance with the "latest . . . standards" referenced in API Standard 53, BSEE must follow the provisions of the NTTAA and the guidelines issued by the OMB in Circular No. A–119 for incorporation of voluntary consensus standards. Under Circular No. A–119, the date of issuance of the standard being incorporated must be included in the regulation. Similarly, existing § 250.198(a)(1) requires that an incorporation by reference is limited to a specific edition of the incorporated document and does not include future revisions to that document. Thus, BSEE may not simply incorporate "the latest edition" of any standard, as suggested by the commenter. However, as previously explained, BSEE may approve compliance with a later (or an earlier) edition of an incorporated standard if an operator requests and justifies such an alternative under § 250.198(c) or § 250.141.

For the same reason, BSEE does not agree with the commenters' suggestion that the rules allow an operator to use equipment that meets whatever "standard was in effect at the date the specific equipment was manufactured." Under the NTTAA and implementing regulations, any equipment standard that BSEE incorporates by reference must be identified by date and edition number. However, BSEE has addressed the "grandfathering" issue for existing equipment in part VI.B.4 of this document. And, where applicable, BSEE may approve compliance with an earlier edition of an incorporated standard if an operator requests and justifies such an alternative under § 250.198(c) or § 250.141.

Comments Related to Proposed § 250.198—Normative References

Summary of comments: Several commenters suggested that BSEE should not directly incorporate normative references (second-tier documents) used in an incorporated standard (first-tier document), in particular, API Standard 53.[12] Those commenters supported the incorporation of API Standard 53 in its entirety, and asserted that the normative references contained in that standard would also implicitly apply. One commenter also stated that separately incorporating the normative references within API Standard 53 would confuse the operators. However, other commenters suggested that concerns related to applying the edition of an equipment standard in existence at the time the equipment was manufactured (as previously discussed) would be minimized if the normative references in those standards were not incorporated by reference in BSEE's regulations.

Commenters asked if it was BSEE's intent to require the application of the normative references in API Standard 53 for purposes other than their relation to the provisions of API Standard 53 to be incorporated in the final rule. If so, they requested that BSEE should specifically state those other purposes in the final rule.

- *Response:* BSEE recognizes that compliance with a normative reference in an incorporated standard is implicitly necessary at times to ensure actual compliance with an incorporated standard. However, BSEE has decided to expressly incorporate the normative references within API Standard 53 (*i.e.*, relevant provisions of API Spec. 6A, API Spec. 16A, API Spec. 16C, API Spec. 16D, and API Spec. 17D), in the regulations (*see* final § 250.732(a)(2)) so that it is clear when compliance with those documents is required. This is also consistent with guidance from the Office of the Federal Register (OFR) related to the incorporation of second-tier documents. (*See* 78FR 60,784, 60,794–95 (Oct. 2, 2013).)

Comments Related to Proposed § 250.198—Additional Standards Documents Suggested for Incorporation

Summary of comments: Commenters suggested that in addition to updating the incorporation of API Spec. 6A, BSEE should also incorporate API Standard 6ACRA, First Edition, (June 2015) and API Spec 6A718, First Edition (March 2004), for completeness.

- *Response:* BSEE agrees that certain documents are more effective if incorporated with other associated documents. However, we did not include the suggested documents in the proposed rule, and BSEE has not yet determined whether those standards should be incorporated in the regulations. We may consider these documents for incorporation in the future using the evaluation process previously described. If BSEE decides to incorporate these documents, we will do so through a separate rulemaking.

Comments Related to Proposed § 250.198—Effective Dates of Documents

Summary of Comments: A commenter requested that we remove the effective dates from the citations of standards in § 250.198. The commenter suggested that the effective dates are of the monogram licenses, not for general industry use of the documents, and including the effective dates in the regulations could cause confusion. A commenter recommended that BSEE use the descriptions shown in the API Publications Catalog, which only include the standard number, title, publication date, and any errata/addenda.

- *Response:* BSEE disagrees. As previously stated, BSEE is required to include certain information from the standard, including the dates and editions of the incorporated documents, when incorporating documents by reference. (*See* § 250.198(a)(1); 1 CFR 51.9(b)(2).)

Comments Related to Proposed § 250.198—Availability of Incorporated Standards

Summary of comments: Two commenters asserted that BSEE acted illegally by not providing free, unrestricted, and online access to the standards incorporated by reference in the proposed rulemaking. The commenters asserted that BSEE had failed to make the incorporated materials reasonably available to the public, to discuss in the proposed rule preamble how it worked to make those materials reasonably available to interested parties, and to summarize in the preamble the material it proposed to incorporate, and thus that BSEE had violated the OFR regulations at 1 CFR 51.5(a). The commenters further asserted that, by failing to provide access to the incorporated standards, the proposed rule violated the APA because the proposed rule did not include "either the terms or substance of the proposed rule or a description of the subjects or issues involved." (*See* 5 U.S.C. 553(a).) The commenters recommended that BSEE re-publish the proposed rule, with the standards available freely online.

The commenters also asserted various technical obstacles to purchasing the standards (both for print and online) from API and to viewing them in person at BSEE's offices. The commenters also raised numerous objections to the manner in which API presents the documents online, including technical hurdles for visually impaired people to view the standards online. The commenters also asserted that BSEE is in violation of the Rehabilitation Act of 1973 because visually impaired individuals are not able to view the standards properly on API's Web site. They also asserted that there is no guarantee by BSEE that the currently free online access for viewing the standards on API's Web site will last. Another commenter requested that, if BSEE cannot make the documents available to the general public, BSEE should, at a minimum, grant access to certain types of organizations (*e.g.*, local governments).

- *Response:* These comments do not address the substantive merits of the proposed rule. Rather, the comments principally focus on legal criteria relevant to BSEE's incorporation by reference of various industry standards.

Many of the detailed assertions in the comments (*e.g.*, complaints about API's Web site advertisements) are outside the scope of this rulemaking as well as unrelated to BSEE's compliance with applicable regulations for incorporating documents by reference, and thus do not require any further response.

In determining which industry standards to incorporate by reference into its regulations, BSEE has carefully evaluated potentially relevant standards, considered input from various interested stakeholders, and proposed for incorporation those standards that BSEE determined, in its judgment, would reasonably serve the safety and environmental protection purposes of its regulations. In developing this final rule, BSEE also considered public comments on the proposed rule regarding which standards would best serve those purposes, as discussed elsewhere in this document. In doing so, BSEE has also complied with the mandate of the NTTAA (previously discussed) to make use, where appropriate and practical, of existing consensus standards in lieu of developing new government regulatory standards.

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[12] "Normative references" are typically other documents incorporated by reference within a standard that are considered necessary for compliance with specific parts of the "first-tier" standard.

Moreover, BSEE disagrees with the commenters' claims that BSEE failed to discuss the actions it took to ensure that the materials incorporated in these rules were, and will be, reasonably available or to actually make the materials reasonably available. In proposing certain standards for incorporation in the final rule, and finalizing such incorporations in this final rule, BSEE has followed the requirements and procedures for incorporation by reference set out in OFR's regulations. (*See* 1 CFR part 51.)

In order to be eligible for incorporation by reference, a document must be "reasonably available" to affected persons (1 CFR 51.5, 51.7(a)(3)) and the notice of proposed rulemaking must discuss how the incorporated document is reasonably available to interested parties or how the agency worked to make those documents reasonably available. (*See id.* at § 51.5(a)(1).) The notice of final rulemaking must also discuss the ways that the incorporated document is reasonably available to, and how it can be obtained by, interested parties. (*See id.* at § 51.5(b)(2).)

The primary regulated community for these regulations is the offshore oil and gas industry, for which the costs for purchasing a copy of the industry standards (if they choose to do so) incorporated by reference in this final rule are not unreasonable. For other members of the public (including other government entities), BSEE discussed in the preamble to the proposed rule (see 80 FR 21506), and in this document (under "Availability of Incorporated Documents for Public Viewing"), the reasonable methods by which the standards incorporated here may be reviewed, inspected, copied, or purchased.

In brief, BSEE explained in both documents how any member of the public may review the referenced standards for free on API's Web site or in person at BSEE's offices in Sterling, VA, or at NARA's offices in Washington, DC. These actions are consistent with BSEE's prior rulemakings incorporating many other standards in the part 250 regulations. Moreover, BSEE received informal approval from OFR for the proposed incorporations by reference in the proposed rule, and formal approval for the final incorporations in this final rule, in accordance with OFR's regulations (1 CFR 51.3 and 51.5), which include the requirement for making the documents reasonably available.

Similarly, we disagree with the commenters' claim that the proposed rule violated the APA by failing to adequately describe the materials proposed for incorporation. To the contrary, the proposed rule adequately described the referenced standards (*see* 80 FR 21506–21508), as does this document. In addition, OFR's informal approval of the proposed incorporations, and its formal approval of the incorporations in this final rule, means that OFR agrees that BSEE has met the requirement in the OFR regulations for describing the incorporated materials. (*See* 1 CFR 51.5(a)(2) and (b)(3).)

In addition, contrary to commenters' claims that BSEE must provide free, downloadable copies of the standards on its Web site, notwithstanding API's copyright claims to those standards, OFR has expressly concluded that an agency's incorporation by reference of copyrighted material does not result in the loss of that copyright.[13] OFR reached this conclusion based in part on its analysis of the decision in *Veeck* v. *Southern Building Code Congress International, Inc.*, 293 F.3d 791 (5th Cir. 2002). In the preamble to its recently promulgated amendments to the rules for incorporation by reference, OFR stated:

> that recent developments in Federal law, including the *Veeck* decision and the amendments to the Freedom of Information Act (FOIA), and the NTTAA have not eliminated the availability of copyright protection for privately developed codes and standards referenced in or incorporated into Federal regulations. Therefore, we agreed with commenters who said that when the Federal government references copyrighted works, those works should not lose their copyright.

(*See* 79 FR 66273.)

Under the OFR regulations, BSEE is permitted to incorporate copyrighted materials into its regulations. Implicit within that permission is the fact that access to and presentation of certain incorporated standards is controlled principally by the third-party copyright holder. While BSEE works diligently to maximize the accessibility of incorporated documents, and offers direction to where the materials are reasonably available, it also must ultimately respect the publisher's copyright. Accordingly, issues related to how API structures its Web site or formats its copyrighted materials offered for free access are outside of BSEE's control and beyond the scope of this rulemaking.

Paperwork Reduction Act Statements—Information Collection (§ 250.199)

This section of the existing regulation provides the OMB control numbers associated with information collections under each subpart of part 250, and generally provides BSEE's reasons for collecting the information and explains how the information is used. BSEE proposed to revise this section by updating the OMB control numbers, by rewording some of the explanations for BSEE's information collections, and by adding references to proposed new information collections. After considering comments submitted on this section, BSEE has included the proposed language in the final rule without significant revisions. However, in response to certain comments, BSEE has revised the estimated burden hours for compliance with some of the information collections in the final rule, as explained in the following responses.

Comments Related to § 250.199—General Requirements for Well Operations and Equipment

Summary of comments: Several commenters raised concerns that additional time would be needed to account for requests for departures from operating requirements, as provided in § 250.702, and for requests for approval to use new or alternative procedures or equipment during operations, as provided in § 250.701. For example, some commenters asserted that the proposed requirement for use of subsea BOPs with "dual-pod control systems" and kelly valves will lead to requests for departures and for alternative procedures. The commenter explained that such requests would be likely because API Standard 53 requires subsea stacks to "have fully redundant control pods" and because kelly valves are no longer in widespread use in offshore drilling operations.

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[13] Contrary to some commenters' claims, OFR's regulations also do not require BSEE to provide free, downloadable copies of the incorporated documents online, whether or not they are copyrighted. OFR expressly rejected that suggestion in its recent document promulgating the current regulations governing incorporation by reference. (*See* 79 FR 66267 (Nov. 7, 2014).)

- *Response:* As discussed later in this part of the document, we have revised the requirement for subsea BOPs with "dual-pod control systems" to require only a "redundant pod control system." This change will align the pod requirement in the regulations with the language of API Standard 53. BSEE agrees with the comment about the limited availability of kelly valves and has revised final § 250.736(d)(1) by replacing the references to kelly valves with "applicable [k]elly-type valves" as described in API Standard 53. Regardless, BSEE does not agree with the commenters' assertions regarding increased paperwork burdens. Ultimately, the requests for alternate procedures or equipment and requests for departures referenced in §§ 250.701 and 250.702 are voluntary submissions made pursuant to longstanding regulations found at §§ 250.141 and 250.142, and thus do not reflect a new paperwork burden under this rule.

Comments Related to § 250.199—APDs

Summary of comments: Several comments requested that we include additional burden hours to prepare required permitting information. One commenter stated that the dual riser requirement in proposed § 250.733(b) may require additional engineering time to assure existing floating production facilities have the room to accept dual bore risers or dual shear ram BOPs. Another commenter stated that, to meet the requirements in § 250.734(c) for drilling out the surface casing in a new well with a subsea BOP, additional burden hours would be needed to submit a revised APD, including the required third-party verifications, and to obtain BSEE's approval.

One commenter stated that § 250.418(g) of the proposed rule would likely require additional engineering time to develop a well abandonment plan that includes wash out or cement displacement to facilitate casing removal upon well abandonment. Another commenter stated that an additional man-day per individual well would be needed to provide a description of the source control and containment capabilities and receive APD approval pursuant to § 250.462(c).

We also received a comment requesting that we increase the estimated burden hours given that additional drilling prognosis information in the APD may be required by the District Manager under § 250.414(k).

- *Response:* BSEE agrees with several of the commenters' assertions and has increased the burden estimate for preparing APDs and APMs to comply with this final rule as described in part VIII (*Paperwork Reduction Act (PRA) of 1995*).

Comments Related to § 250.199—Tubing and Wellhead Equipment

Summary of comments: One commenter asserted that it may not be possible to set a packer deep enough to have a column of kill weight fluid at the packer. As a result, additional engineering time would be required to comply with the § 250.518(e) requirement for tubing and wellhead equipment for completion operations to determine if the casing design is suitable.

- *Response:* BSEE agrees with the comment and has increased the burden for APMs to account for the descriptions and calculations of packer depths required by this rule.

Comments Related to § 250.199—Well Operations

Summary of comments: We received numerous comments on the § 250.724(b) proposed RTM requirements. Commenters stated that such monitoring on all well operations, including shallow water shelf operations, would result in significant additions to the sensor, data integration, data telemetry band width, data reception and storage, and data monitoring and interpretation burden for all operators. They also expressed concern about how to comply with the new requirements to conduct continuous RTM of the BOP control system, the well's fluid handling systems on the rig, and the well's downhole conditions with the bottom hole assembly tools, and provisions for storage of the data.

- *Response:* BSEE agrees with the comment and has increased the burden hours to account for the development and implementation of an RTM plan, as required by the final rule, that includes all data required by § 250.724.

Comments Related to § 250.199—BOP System Requirements

Summary of comments: We received comments claiming that additional engineering time would be necessary to comply with the requirements of § 250.730(d). Since § 250.730(d) requires that any BOP stack manufactured after the effective date of the regulation comply with API Spec. Q1, the commenter stated that additional burden hours will be needed to design a BOP stack that complies with API Spec. Q1.

In addition, several commenters stated that there is an additional burden involved with submittals of an MIA Report as required by § 250.732(d) for a subsea BOP, a BOP used in an HPHT environment, or a surface BOP used on a floating facility. Specifically, they asserted that BSEE failed to account for the burden of obtaining BAVO certification of the MIA Report, as required by proposed § 250.731(f).

- *Response:* BSEE does not agree that any additional burden hours should be added for compliance with § 250.730(d). That provision does not create any new information collection burdens since it requires compliance with existing industry standards, the costs of which are included in the economic baseline.

However, BSEE has increased the burden hours for requesting approval to use new or alternative procedures, along with supporting documentation if applicable under § 250.730, should an operator seek to deviate from the requirements of § 250.730(d). BSEE has also increased the burden hours for complying with the § 250.731(f) MIA Report certification requirement.

Subpart B—Plans and Information

What must the DWOP contain? (§ 250.292)

This section of the existing regulation specifies information (e.g., description of the typical wellbore, structural design for each surface system) that must be included in a DWOP. BSEE proposed no changes to existing paragraphs (a) through (o) of § 250.292, and the final rule makes no changes to those paragraphs. BSEE proposed to add a new paragraph (p) to this section and to redesignate existing paragraph (p) as paragraph (q). Proposed new paragraph (p) specified information that must be included in the DWOP if the operator proposes to use a pipeline FSHR meeting certain conditions. This information is used in planning for production development. BSEE received several comments on this proposed addition, and for the following reasons, has included proposed paragraph (p) in the final rule with one revision to the proposed language, as described in the following response and in part V.C of this document. Former paragraph (p) is also included in the final rule, without change, as new paragraph (q).

Comments Related to § 250.292(p)—Pipeline Freestanding Hybrid Risers (FSHRs)

Summary of comments: Commenters suggested that BSEE apply § 250.292(p) only to permanent FSHRs, and not to risers used for exploratory wells or for source control and containment. Those commenters noted that exploration wells are not covered under the existing DWOP regulations (§§ 250.286 through

250.295), which apply to deepwater development projects, and that risers used for source control and containment are not part of a permanent installation.

- *Response:* BSEE agrees that this requirement applies only to permanent FSHRs for development projects under a DWOP. It is incorporated into a regulation setting forth requirements for the contents of a DWOP. Accordingly, it is inapplicable to operations that do not require a DWOP. BSEE would permit temporary FSHRs, such as those used with containment systems to respond to an emergency, on a case-by-case basis. BSEE has revised this paragraph in the final rule to clarify that it applies only to FSHRs "on a permanent installation."

Subpart D—Oil and Gas Drilling Operations General Requirements (§ 250.400)

This section of the existing regulation was entitled "Who is subject to the requirements of this subpart?" BSEE proposed to revise, this entire section, including the section heading, to require that drilling operations be done in a safe manner to protect against harm or damage to life (including fish and other aquatic life), property, natural resources of the OCS (including any mineral deposits), the National security or defense, or the marine, coastal, or human environment. BSEE also proposed to clarify that, for drilling operations, the operator must follow the requirements of this subpart and the applicable requirements of proposed subpart G. BSEE received no substantive comments on this proposed provision and made no changes to the proposed language, which is now included in the final rule.

What must I do to keep wells under control? (§ 250.401)

BSEE proposed to remove and reserve this section of the existing regulation and to move the content of this former section to proposed § 250.703. BSEE received no comments on the proposed removal and reservation of this section and the final rule implements that action.

When and how must I secure a well? (§ 250.402)

BSEE proposed to remove and reserve this section of the existing regulation and to move the content of this former section to proposed § 250.720. BSEE received no comments on the proposed removal and reservation of this section and the final rule implements that action.

What drilling unit movements must I report? (§ 250.403)

BSEE proposed to remove and reserve this section of the existing regulation and to move the content of this existing regulation to proposed § 250.712. BSEE received no comments on the proposed removal and reservation of this section and the final rule implements that action.

What additional safety measures must I take when I conduct drilling operations on a platform that has producing wells or has other hydrocarbon flow? (§ 250.406)

BSEE proposed to remove and reserve this section of the existing regulation and to move the content of this former section to proposed § 250.723. BSEE received no comments on the proposed removal and reservation of this section and the final rule implements that action.

What information must I submit with my application? (§ 250.411)

This section of the existing regulation specified certain information that must be included in an APD, including descriptions of "diverter and BOP systems." BSEE proposed to slightly revise this section to separate the requirements for diverter and BOP descriptions, and to updates the cross-reference in the section to include new subpart G. BSEE received no substantive comments on this provision of the proposed rule and made no changes to the proposed language, which is included in the final rule.

What must my description of well drilling design criteria address? (§ 250.413)

This section of the existing regulation specifies the type of information that must be provided in the well drilling description portion of an APD. BSEE did not propose any changes to paragraphs (a) through (f) of the former § 250.413, which are retained unchanged. BSEE proposed to revise former paragraph (g) to require that the maximum ECD be included on the pore pressure/fracture gradient plot in the APD. BSEE received multiple comments on the proposed changes to paragraph (g) and, for the following reasons, has decided to revise the proposed language to require that the "planned safe drilling margin," instead of the ECD, be included on the pore pressure/fracture gradient plot under the final rule.

Comments Related to Proposed § 250.413(g)—Well Drilling Design Criteria

Summary of comments: Multiple commenters had concerns regarding the requirement in proposed § 250.413(g) that well drilling design criteria include a plot showing maximum ECD. They stated that operators need to manage and adjust ECD during real-time operations, and thus no margin between ECD and fracture pressure or safety margin should be required to be specified in advance as part of the APD. The commenters also suggested that, since the intended use of the ECD cannot be specified in advance, it should be deleted from § 250.413(g).

- *Response:* BSEE agrees with the commenters that, since ECD may need to be adjusted during operations, BSEE would need to provide more clarification about how to determine maximum ECD in order for operators to include it within the plots. Therefore, BSEE removed the reference to ECD from final § 250.413(g) and inserted in its place a requirement to plot the planned safe drilling margin, as required to be included in the APD by final § 250.414(c). This planned safe drilling margin is based in part on the planned ECD and thus will provide information essentially equivalent to what inclusion of the maximum ECD would have provided.

What must my drilling prognosis include? (§ 250.414)

This section of the existing regulation describes the information that must be included in the drilling prognosis portion of an APD. BSEE did not propose any changes to paragraphs (a) and (b), and paragraphs (d) through (g), of the existing regulation and they have been retained unchanged. BSEE proposed to revise paragraphs (c), (h), and (i) of the existing regulation and to add new paragraphs (j) and (k) to § 250.414. Specifically, BSEE proposed: To revise paragraph (c) to better define the safe drilling margin requirements; clarify paragraphs (h) and (i) with minor wording changes; to add a new paragraph (j) requiring that the drilling prognosis include both the type of wellhead and liner hanger systems to be installed and a descriptive schematic; and to add a new paragraph (k) requiring submittal of any additional information required by the District Manager as needed to clarify or evaluate the drilling prognosis. BSEE received some comments on proposed paragraph (j), but has included that paragraph in the final rule without change. BSEE received many comments on the proposed changes to paragraph (c) and on proposed paragraph (k). After considering the comments, and for the reasons stated in the following responses to those comments, BSEE has revised the language of proposed paragraphs (c) and (k) and included that revised language in the final rule.

Comments Related to Proposed § 250.414(c)—Safe Drilling Margin

Summary of comments: BSEE received extensive comments on the proposed requirements in § 250.414(c) regarding safe drilling margins. The majority of these comments stated that the proposed 0.5 ppg safe drilling margin would pose operational problems, reduce the safety of drilling operations, and lead to unintended consequences. Commenters provided examples of concerns, such as limiting the selection of drilling fluids; potentially requiring more casing strings or smaller production casing sizes; economic hardships due to not being able to reach reservoirs by setting more casing; decreased production from the smaller hole sizes; and undue burden of submittals for alternative compliance. Recommendations to revise proposed § 250.414(c) included performance of a risk assessment and calculations to establish safe drilling margins for each well and for each drilling interval within the well.

BSEE also received comments on the proposed § 250.414(c)(3) requirements related to the ECD. Some commenters interpreted this proposed language to mean that drilling must stop when any lost circulation occurs. Clarifying language was recommended as follows: "if lost circulation occurs, then the losses should be mitigated, and/or ECD managed to reduce the effects of lost circulation as per API Bulletin 92L."

We also received a comment on the proposed requirements in § 250.414(c) for determining pore pressure and lowest estimated fracture gradients for specific intervals. The commenter emphasized that the purpose for this paragraph is to address planning (prognosis) for drilling operations and that it should not apply to the actual operations. The commenter recommended the following language: "during planning for a specific interval, the relevant available offset hole behavior observations must be considered."

- Response: BSEE agrees with a majority of the comments on § 250.414(c) and has not included proposed paragraph (c)(3) in the final rule (and renumbered proposed paragraph (c)(4) as paragraph (c)(3) in the final rule). BSEE otherwise revised paragraph (c) in the final rule to require a planned safe drilling margin that is between the estimated pore pressure and the lesser of estimated fracture gradients or casing shoe pressure integrity test and based on a risk assessment consistent with expected well conditions and operations. Final paragraph (c) also requires that the safe drilling margin include use of equivalent downhole mud weight that is (i) greater than the estimated pore pressure, and (ii) except as provided in paragraph (c)(2), a minimum of 0.5 pound per gallon below the lower of the casing shoe pressure integrity test or the lowest estimated fracture gradient. Final paragraph (c)(2) now clarifies that, in lieu of meeting the criteria in paragraph (c)(1)(ii), operators may use an equivalent downhole mud weight as specified in the applicable APD, provided that the operators submits adequate documentation (such as risk modeling data, off-set well data, analog data, seismic data) to justify the alternative equivalent downhole mud weight. Finally, paragraph (c)(3) states that, when determining the pore pressure and lowest estimated fracture gradient for a specific interval, the operator must consider related off-set well behavior observations.

Although 0.5 ppg is typically an appropriate safe drilling margin for normal drilling scenarios, BSEE understands there are circumstances where a lower drilling margin may be acceptable to drill a well safely. The revisions made in the final rule better define safe drilling margins, requiring the 0.5 ppg margin under most circumstances, but providing operators with the flexibility to use a lower safe drilling margin when appropriate.

The changes in the final rule will alleviate, if not eliminate, much of industry's operational and economic concerns with the proposed 0.5 ppg margin, including industry's concern that a 0.5 ppg drilling margin—with no exceptions—would effectively preclude the continued use of dynamic pressure drilling and inhibit development of new technology.

By requiring justification for, and prior approval by BSEE of, any alternative to the 0.5 ppg margin, these revisions will provide BSEE with the information needed to make appropriate case-by-case decisions on specific drilling margins. BSEE could also use this option to identify and focus its resources on the potentially higher risk well sections where the safe drilling margin may be of greater concern. These revisions will increase planning flexibility for operators when drilling into areas that could require lower safe drilling margins, such as depleted sands or below salt (common occurrences in the GOMR). Industry will be able to determine and use (subject to BSEE approval) appropriate mud properties (density, viscosity, additives, etc.) best suited for a specific well interval based on drilling and geological parameters.

The final rule also revised the proposed language to refer to "off-set well"—instead of "hole"—conditions; the final rule language will better align the regulatory language with industry terminology and clarify BSEE's intent. For a more in-depth discussion of the changes to final § 250.414(c), refer to part V.B.1 of this document.

Comments Related to Proposed § 250.414(j)—Wellhead System and Liner Hanger System

Summary of comments: BSEE received comments on the proposed § 250.414(j) requirements related to wellhead system and liner hanger system information. Commenters stated that operators will not have access to machine drawings for equipment purchased from manufacturers since this is considered proprietary data. A commenter recommended that the word "descriptive" be changed to "detailed" and that BSEE allow documentation that is available to the operator to be provided to BSEE.

- *Response:* BSEE disagrees with these comments and has made no changes to § 250.414(j) in the final rule. BSEE is aware that operators typically receive schematics from the manufacturers, and those schematics are sufficient to meet the requirements for describing the wellhead and liner hanger systems. In addition, it is unclear from the comment why a change from "descriptive" to "detailed" would better classify the type of schematics available.

Comments Related to Proposed § 250.414(k)—Additional Information

Summary of comments: BSEE received comments on the proposed § 250.414(k) requirement to provide any additional information required by the District Manager. Commenters stated that this section should be restricted to necessary information that can be reasonably supplied by the operator. Commenters also suggested that the District Manager should provide justification to the operator for the requested additional information.

- *Response:* The District Manager may require additional information on the drilling prognosis on a case-by-case basis, based on unique site or well conditions. The District Managers would, of course, take into account the potential need for such information to protect personnel or the environment, given the purposes of these regulations. Like many similar provisions throughout part 250, § 250.414(k) is intended to give District Managers the necessary flexibility and discretion to require information as needed in specific cases to fulfill the purposes of the regulation. Nonetheless, BSEE has slightly revised paragraph (k) in the final rule to confirm that the District Manager may require additional information needed to clarify or evaluate the drilling prognosis submitted under this section.

What must my casing and cementing programs include? (§ 250.415)

This section of the existing regulation describes the information on casing and cementing programs that must be included in an APD. BSEE proposed no changes to paragraphs (b) through (f) of this section, which have been retained unchanged in the final rule. BSEE proposed to revise former paragraph (a) of this section to require casing information for all sections of each casing interval. BSEE proposed that operators must include bit depths (including measured and true vertical depth (TVD)) and locations of any installed rupture disks, and indicate either the collapse or burst ratings, in their APDs. Requiring this information for all sections for each casing interval will make well design calculations and APD submittals more accurate and provide a more complete representation of the well. BSEE received one comment on the proposed § 250.415, and as discussed in the following response, has included proposed paragraph (a) in the final rule without change.

Comments Related to Proposed § 250.415—Quality Assurance

Summary of comments: One commenter suggested that we require a Quality Assurance/Quality Control (QA/QC) plan for cement installation and recommended that we add the QA/QC protocol to § 250.415 and require it for each well.

- *Response:* Section 250.420(a)(6) of the existing regulations already requires the casing and cementing design to include a certification signed by a registered PE. This verification of the casing and cementing design by a PE provides the necessary QA/QC. We have, therefore, made no changes to final § 250.415 based on the comment.

What must I include in the diverter description? (§ 250.416)

This section of the existing regulation specified the information that must be included in the descriptions of diverter systems and BOP systems contained in an APD. BSEE proposed to revise this section by removing former paragraphs (c) through (f), which required certain information for BOP system descriptions, which BSEE proposed to move to new §§ 250.703, 250.731 and 250.732, and by removing paragraph (g), which specified criteria for independent third-parties that verify certain BOP information. Under the proposed rule, § 250.416 would include only the former language, in paragraphs (a) and (b), regarding diverter descriptions and would be re-titled accordingly. Based on comments submitted on the proposed changes to this section, as explained in the following response, BSEE has included former paragraph (a) in the final rule without change, as proposed. BSEE also included former paragraph (b) in the final rule, with one minor change to the former paragraph (b)(1).

Comments Related to Proposed § 250.416—Descriptions of Diverter Systems

Summary of comments: One commenter was concerned that proposed § 250.416 did not actually require use of equipment and instrumentation to identify hydrocarbons that have travelled above the BOP and into the marine riser. The commenter stated that current rigs have zero riser instrumentation (for detecting/tracking hydrocarbons within the marine riser), and that they are equipped with a diverter system. The commenter suggested that we completely revise § 250.416(b) to require that diverters have riser instrumentation (such as "distributed" pressure gauges to measure differential pressures) that can confirm that the volume of gas does not exceed a certain limit and impose back-pressure to keep gas from coming out of solution.

- *Response:* BSEE does not agree with the suggestion that we should transform proposed § 250.416 from an informational provision (*i.e.*, requiring a description of the diverter system) into a substantive equipment provision requiring specific instrumentation. Although BSEE agrees that there may be some potential benefits from the use of instrumentation on the riser, additional research and study needs to be done before BSEE could determine whether such a substantive requirement should be added to the regulations. If future research or study reports or other information becomes available to BSEE warranting this additional requirement, BSEE may propose revision of this section in a future rulemaking.

Comments Related to Proposed § 250.416(b)(1)—Diverter Systems

Summary of comments: Another commenter was concerned that proposed § 250.416(b)(1) would require information in the APD about annular BOPs in diverter housings, even though not all diverters use annular elements. The commenter stated that some diverters use "insert elements," which are not the same as annular BOPs, and recommended that BSEE replace "annular BOP" in proposed § 250.416(b)(1) with "sealing element."

- *Response:* BSEE agrees with the commenter that not all diverters use annular BOPs. Accordingly, BSEE has revised this section in the final rule by replacing "annular BOP" with "element," which covers all of the different types of components (including annular BOPs and sealing elements) that may be installed in the diverter housing.

What must I provide if i plan to use a mobile offshore drilling unit (MODU)? (§ 250.417)

BSEE proposed to remove and reserve this section and to move the content of this former section to proposed § 250.713. BSEE received no comments on the proposed removal and reservation of this section and the final rule takes that action.

What additional information must I submit with my APD? (§ 250.418)

This section of the existing regulation specified certain additional information (*e.g.*, rated capacity of the drilling rig, drilling fluids program) that must be included in an APD. BSEE did not propose any changes to paragraphs (a) through (f) of the existing regulation, which are therefore retained unchanged. BSEE proposed to revise paragraph (g) of the existing regulation, which requires operators to seek approval for plans to wash out or displace cement to facilitate casing removal upon well abandonment, by adding a requirement to describe how far below the mudline the operator plans to displace cement and how the operator will visually monitor returns. This proposed change would provide information to assist BSEE in deciding whether to approve such plans. BSEE received no substantive comments on this proposed addition to paragraph (g), which is included in the final rule as proposed.

What well casing and cementing requirements must I meet? (§ 250.420)

This section of the existing regulation imposes specific requirements for casing and cementing of all wells. BSEE proposed to revise the introductory text of this section, to re-designate former paragraph (a)(6) as paragraph (a)(7), and to insert a new paragraph (a)(6) that requires adequate centralization to help ensure proper cementation. BSEE also proposed to add a new paragraph (b)(4), requiring approval by the District Manager of changes to certain planned casing parameters, as well as a new paragraph (c)(2), requiring the use of a weighted fluid during displacement to maintain an overbalanced hydrostatic pressure during the cement setting time and thus enhance wellbore stability during cementing. BSEE received and considered comments on proposed paragraphs (a) and (c) and, as explained in the following responses, has included proposed paragraph (a) in the final rule without change. BSEE also included proposed paragraph (c) in the final rule, but revised proposed paragraph (c)(2) slightly in response to this section's summary of comments and responses.

Comments Related to Proposed § 250.420(a)—Centralizers

Summary of comments: One comment was submitted by multiple commenters on the proposed requirement in § 250.420(a)(6) for use of centralization to ensure proper cementation. It stated that the proposed requirement needs to be changed to allow for methods other than centralizers to meet the cementing requirements of this section because there are instances where using centralizers will actually increase risk. The commenters provided examples of the need for centralization, including the inability to ream down casing and the likelihood of greater casing wear if the pipe is not centered. The commenters also provided examples, however, of why centralizers should not be the exclusive method for centralization, including the assertion that centralizers may increase the chance of pack-off, increase the number of connections in the casing string (because centralizer subs are often the only option for centralization), and damage the wellhead components (due to centralizer pass through). One commenter recommended the following alternative language: "Provide adequate centralization and/or other methods to aid proper cementation to meet well design objectives within the constraints imposed by hydraulic, operational, logistical or well architecture limitations (ref. [API] Standard 65–2 2nd Edition.)"

- *Response:* The commenter incorrectly assumes that § 250.420(a)(6) provides for the use of centralizers only. That provision does not specify or limit how centralization should be achieved. There are many options to ensure centralization besides the use of centralizers, and BSEE expects that multiple methods may be required to ensure adequate centralization. BSEE relies on industry best practices and industry standards to help determine suitable methods for centralization while cementing. BSEE also disagrees with the commenter's recommended inclusion of a reference to API Standard 65–2 (2nd Edition), since a written description of how the operator evaluated the relevant practices is already required under § 250.415(f) ("What must my casing and cementing programs include?"). Therefore, no changes to proposed paragraph (a)(6) are necessary, and BSEE has included that paragraph in the final rule as proposed.

Comments Related to Proposed § 250.420(c)—Cement Compressive Strength

Summary of comments: One commenter suggested that BSEE increase the required compressive strength of cement (500 psi) under proposed § 250.420(c)(1) in order to reduce the risk of cement failure, especially in zones of critical cement where pressures and stresses are higher. The commenter also recommended adding a requirement for the cement mixture in the zone of critical cement to meet a 1,200 psi compressive standard within 72 hours.

- *Response:* BSEE disagrees and has retained the proposed language requiring 500 psi compressive cement strength, which is the same as the requirement in the former paragraph (c), in the final rule. This requirement is also consistent with the provisions in API RP 65 part 2, already incorporated in the existing regulations, and with industry practice.

Comments Related to Proposed § 250.420(c)(2)—Cementing

Summary of comments: One comment was submitted by multiple commenters on the requirements in proposed § 250.420(c)(2) for use of weighted fluids during cementing. The comment stated that the proposed casing and cementing requirements increase the risk of lost circulation, which will result in failure to achieve zonal isolation. The commenter suggested that, if § 250.420(c)(2) refers to conditions at the center of the well, the language should be revised to provide: "You must use a weighted fluid during displacement."

- *Response:* BSEE agrees with the commenter and has revised § 250.420(c)(2) in the final rule by clarifying that a weighted fluid must be used "during displacement." This revision will help resolve the commenter's concerns about the weighted fluid being in the center of the well.

What are the casing and cementing requirements by type of casing string? (§ 250.421)

This section of the existing regulation specifies casing and cementing requirements applicable to certain types of casing strings (*e.g.,* drive or structural strings, conductor strings). BSEE did not propose any changes to paragraphs (a) and (c) through (e) of the existing regulation, which are therefore retained unchanged. BSEE proposed revising former paragraph (b), however, to specify that if oil, gas, or unexpected formation pressure is encountered, the operator must set conductor casing immediately, above the encountered zone, even if that is before the planned casing point. This proposed provision was intended to ensure that conductor casing is not placed across a hydrocarbon zone. BSEE also proposed to revise former paragraph (f) to eliminate the potential use of liners as conductor casing. This proposed revision would help ensure that the drive pipe is not exposed to wellbore pressures. BSEE received and considered comments on proposed paragraphs (b) and (f) and, as explained in the following responses, has retained proposed paragraph (b) in the final rule without change. However, the final rule revises the proposed language in paragraph (f) as discussed in the following responses and in part V.C of this document.

Comments Related to Proposed § 250.421(b)—Conductors

Summary of comments: Some comments on proposed § 250.421(b) requested clarification as to whether the 22-inch and 20-inch casing used in deepwater operations is considered surface pipe and therefore subject to regulation under § 250.421(c) (requirements for surface casing) rather than § 250.421(b) (requirements for conductor casing). If BSEE agrees with that view, the commenter has no objection to proposed § 250.421(b) with regard to 20- and 22-inch casing.

A commenter also requested confirmation that drive pipe and jetted pipe are considered structural pipe and therefore are subject to regulation under former § 250.421(a) (requirements for drive or structural casing) rather than the proposed § 250.421(b). If BSEE agrees with that view, the commenter has no objection to proposed § 250.421(b) with regard to drive pipe and jetted pipe.

One commenter suggested rewording the proposed revision to the existing requirement for setting casing immediately upon encountering oil, gas, or unexpected formation pressure before the planned casing point. The language of the proposed rule would require the casing to be set above the encountered zone. While the commenter did not object to the proposed revision, it suggested deleting the phrase "before the planned casing point" from the former and proposed regulatory text, and adding to the end of that provision the phrase "even if it is before the planned casing point."

Another commenter suggested a change to a longstanding cementing requirement in existing (and proposed) § 250.421(b) for verification of annular fill by observation of cement returns or, when observation is not possible, by using additional cement to ensure fill-back to the mudline. The commenter indicated that, due to the long distances between the platform and the mud line at deepwater locations, excess hydrostatic cement pressure does not allow for a full column of cement to reach the platform level, making visual observation problematic. The commenter suggested that BSEE address this concern by allowing use of lift pressure calculations or "tag and circulate" to confirm visual evidence of cement location, and by adding language to the cementing provisions in § 250.421(b) that would require operators to discuss the cement fill level with the District Manager when "drilling in deeper water on fixed structures, where it may not be feasible to observe cement return."

- *Response:* BSEE agrees that 20- and 22-inch casing may be considered surface pipe and, thus, subject to § 250.421(c). BSEE also agrees that drive pipe and jetted pipe can be considered structural pipe and, thus, subject to § 250.421(a). Accordingly, no change to the proposed language in paragraph (b) is necessary on those points.

BSEE does not agree that the proposed conductor casing requirement for encounters with oil, gas or unexpected formation pressure that occur before the planned casing point should be reworded as suggested by the commenter. The casing requirements under former and proposed § 250.421(b) state that if oil, gas or unexpected formation pressure is encountered before the planned casing point, casing must be set immediately; the only change proposed by BSEE to paragraph (b) was to clarify that, in such a case, the casing must be set above the encountered zone. BSEE does not believe that the commenter's suggested rephrasing would add any extra clarity or change the meaning of the proposed language in any useful way.

Finally, BSEE did not propose any changes to the existing cementing requirements for conductors. As described previously, the proposed change to § 250.421(b) clarifies the location where conductor casing must be set if the operator encounters oil or gas or unexpected formation pressure before the planned casing point; *i.e.,* above the encountered zone. In any case, BSEE does not agree with the suggested revision to the cementing requirements with regard to deepwater drilling. Current cementing requirements, as reflected in former and proposed § 250.421(b), already provide that if visual observation of cement returns from the annular is not possible, additional cement must be added to ensure cement returns to the mudline. To date, BSEE is unaware of any actual problems from applying that practice reflected in the regulation to fixed platforms drilling in deeper water; thus, there is no need to add the language suggested by the commenter. If any actual problems with that approach arise in the future, the operator should consult the District Manager regarding appropriate action and, if warranted, request approval of alternative procedures or equipment under § 250.141.

Comments Related to Proposed § 250.421(f)—Casing and Liners

Summary of comments: With regard to proposed § 250.421(f)—revising existing casing requirements for liners by prohibiting use of liners as conductor casings—commenters raised concerns about how casing would be treated in deepwater riserless operations. One commenter suggested that the cementing requirements should apply to surface wellhead systems where structural casing extends back to the surface facility, and stated that conductor liner is an effective option for use as casing in mud line suspension completion systems. The commenter suggested that BSEE add the following text to § 250.421(f):

> A casing string whose top is above the mudline and that has been cemented back to the mudline will be not considered a liner. When conductor liner systems are needed in special applications, such as mud line suspension systems or drilling only applications, you must receive approval from the District Manager. You may not use a liner as conductor casing when surface wellhead systems are in use without mud line suspension systems and the structural casing extends back to the surface facility.

In support of the suggested change, the commenter stated that, for deepwater operations, this language would allow large outside diameter conductor hung in the supplemental wellhead adapter to be used as intended (*i.e.,* as a conductor) without being considered a liner subject to the liner cementing requirements.

- *Response:* BSEE agrees with the commenter that when the casing string top is above the mudline and has been cemented back to the mudline, the casing string should not be considered a liner. Accordingly, to clarify this intent, BSEE has revised the casing requirements in final § 250.421(f) to state that "[a] subsea well casing string whose top is above the mudline and that has been cemented back to the mudline will not be considered a liner." BSEE also agrees with the commenter that a large outside diameter conductor hung in the supplemental wellhead adapter should not be considered a liner. No change to the language of paragraph (f) is necessary on this point.

Comments Related to Proposed §§ 250.421(b) and (f)—Centralizing Casing

Summary of comments: One commenter supported the proposed new requirements in §§ 250.421(b) and (f), but suggested that BSEE add more specific instruction on how to centralize casing (*e.g.,* by specifying centralization requirements according to casing type). The commenter stated that if casing inside the well is not properly centralized, it will have thinner cement, or possibly no cement, where the pipe is near or in contact with the earthen wall. The commenter noted that thin areas of cement are easily cracked and damaged. The commenter noted further that cement that is not well-bonded to the outside of the casing or earthen hole, or that is damaged by subsequent well activities, creates a conduit for hydrocarbon movement, which increases the risk of losing well control. The commenter suggested that, at a minimum, surface casing should be centralized at the shoe and at every fourth casing joint and that intermediate and surface casing should be centralized at the base and top and at every tenth casing joint.

The commenter also suggested that additional centralizers should be used in highly deviated well sections. This commenter also recommended that BSEE change the proposed regulation to require that: (a) The surface casing be set deep enough to provide a competent structure to support the BOP and to contain any formation pressures that may be encountered before the next casing is run; (b) the entire surface casing annulus should be cemented to the surface (presumably the mudline); and (c) the surface casing must stop above any significant pressure zone or hydrocarbon zone to ensure the BOP can be installed prior to drilling into a pressure zone or into hydrocarbons.

- *Response:* BSEE agrees with the comment that requiring centralization will increase the probability of a successful and effective cement job. However, BSEE does not agree that centralization requirements should be included in § 250.421, as suggested by the commenter. BSEE proposed, and § 250.420(a)(6) of the final rule requires, adequate centralization (which does not mean the use of centralizers only) to ensure proper cementing programs. In addition, final § 250.420(a)(7)—formerly § 250.420(a)(6)—already requires that operators submit certifications signed by registered PEs that the casing and cementing design is appropriate and sufficient. These provisions will help ensure that casing is properly centralized. In addition, existing § 250.415(f) requires that the cementing and casing programs included in the APD describe how the operator uses API Standard 65—part 2 to evaluate best practices, including best practices for centralizing casing. This also helps ensure that casing is properly centralized. Accordingly, BSEE did not propose any changes to the surface casing provisions under former § 250.421 with respect to centralization, and no change to the former or proposed requirements are necessary on this point.

Comments Related to Proposed § 250.421(f)—Liner Lap Length

Summary of comments: A commenter did not agree with the requirement in proposed § 250.421(f) to have a liner lap length specified for liners with liner top packers. The commenter stated that liner lap length requirements in production wells may adversely affect the ability to complete the well efficiently.

- *Response:* BSEE agrees with the commenter's intent and has revised the proposed cementing requirements for liners by adding language to final § 250.421(f) stating that as provided by (d) and (e), if you have a liner lap and are unable to cement 500 feet above the previous shoe, you must submit and receive approval from the District Manager on a case-by-case basis. This revision provides additional flexibility to ensure that production wells are completed efficiently.

What are the requirements for casing and liner installation? (§ 250.423)

This section of the existing regulation was entitled "What are the requirements for pressure testing casing?" BSEE proposed to change the former title of this section to more accurately reflect proposed changes within the section that establish requirements for installing casings and liners. BSEE also proposed to revise paragraphs (a) through (c) of former § 250.423 to clarify that liner latching mechanisms, if applicable, need to be engaged upon successfully installing and cementing the casing string or liner. These proposed revisions were intended to reinforce the importance of properly securing liners in place to ensure wellbore integrity. BSEE received and considered comments on the proposed revisions and the language in proposed paragraphs (a) and (b) has been revised as discussed in the following responses. Proposed paragraph (c), however, is included in the final rule without change.

Comments Related to Proposed § 250.423(a) and (b)—Ensuring Lockdown Mechanism Is Engaged

Summary of comments: One commenter recommended that the introductory sentence in proposed § 250.423—regarding casing and liner installation—be changed in order to provide greater clarity for industry.

Multiple commenters raised the concern that the language in proposed § 250.423(a) and (b) does not define or explain how to measure success in ensuring that latching/locking mechanisms are engaged after "successfully installing and cementing" the casing string and liner, respectively. They stated that many systems do not have a way to "ensure" that the lockdown mechanism is properly engaged; all they can do is ensure that the proper procedures to set the lockdown mechanism are followed. The commenters recommended that BSEE remove the word "successfully" from §§ 250.423(a) and (b) and say instead that, "[y]ou must ensure that the latching mechanisms or lock down mechanisms are engaged upon installation of each casing string."

- *Response:* BSEE does not agree that the suggested change to the introductory sentence in proposed § 250.423 is necessary to avoid confusion. The commenter did not explain why that sentence is unclear or why the commenter's suggested change would make the language clearer. In fact, the introductory sentence in the proposed rule was exactly the same as the language in existing § 250.423(b), and BSEE is unaware of any confusion regarding the meaning of that language. Accordingly, BSEE has not changed that sentence in the final rule.

BSEE agrees with the suggestion that more guidance is needed in this section for operators to determine when casing strings and liners have been successfully installed and cemented. Therefore, we have revised proposed § 250.423(a) and (b) in this final rule to include references to the cementing requirements of § 250.428(c). In effect, the latching mechanisms or lock down mechanisms must be engaged upon successfully installing and cementing the liner. If the operator determines under § 250.428(c) that the cement job is adequate (*i.e.,* successful), then the latching/locking mechanisms should be engaged. If there are indications of an inadequate cement job, actions should be taken in accordance with § 250.428 to ensure proper cementation before the latching or locking mechanisms are engaged.

Comments Related to Proposed § 250.423(c)—Proper Casing or Liner Installation

Summary of comments: One commenter suggested that BSEE add a new requirement to § 250.423(c) for monitoring and verification of make-up and torqueing of casing and tubular connections. The commenter suggested the use of torque/turn evaluation equipment when installing production casing and tubing to confirm that thread mating has been performed according to applicable specifications.

- *Response:* BSEE does not agree that these suggested changes are necessary to ensure proper installation of casing and tubing. BSEE already requires a pressure test on the casing seal assembly under former § 250.423(b)(3)—now § 250.423(c)—and submittal to BSEE of both the test procedures and test results, in order to verify the integrity of the casing and connections. Therefore, no additional language is needed to help confirm casing integrity.

What are the requirements for prolonged drilling operations? (§ 250.424)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.722. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What are the requirements for pressure testing liners? (§ 250.425)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.721. BSEE received no comments on the proposed removal and reservation of this section and the final rule takes that action.

What are the recordkeeping requirements for casing and liner pressure tests? (§ 250.426)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.746. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What are the requirements for pressure integrity tests? (§ 250.427)

This section of the existing regulation requires pressure integrity testing below the surface casing or liner and at certain drilling intervals. BSEE proposed to revise former paragraph (b) of this section to clarify that operators must maintain the safe drilling margins required by proposed § 250.414. Although BSEE received and considered comments on this proposed requirement, the final rule includes this paragraph as proposed for the reasons discussed in the following responses.

Comments Related to Proposed § 250.427(b)—Safe Drilling Margin

Summary of comments: Multiple commenters raised the concern that changing the casing design for wells in order to maintain the safe drilling margins specified in proposed § 250.414 could make some wells uneconomical, due to the need for smaller completions and thus, potentially uneconomical production rates.

Although BSEE only proposed a minor change to existing § 250.427 (*i.e.*, adding a cross-reference in paragraph (b) to the new safe drilling margin provisions in proposed § 250.414), these same commenters also raised concerns with the existing requirement in § 250.427(b) that safe drilling margins must be maintained and that drilling must be suspended and the situation remedied when the drilling margins cannot be maintained. The commenters stated that suspending drilling to set pipe based on the proposed 0.5 ppg safe drilling margin—which they considered a legacy drilling margin from shallow shelf wells—would have severe negative consequences for many deepwater or depleted zone wells being drilled today and to be drilled in the future. In addition, the commenters claimed that maintaining the proposed 0.5 ppg safe drilling margin may require so many additional casing strings that it could hinder many deeper well designs in that they would no longer have the capability to run additional casing strings as needed to meet the applicable containment requirements. All commenters on this issue recommended that BSEE revise the second sentence in § 250.427(b) to state that "[w]hen you cannot maintain the safe margins, you must suspend drilling operations and remedy the situation in accordance with accepted industry practices as documented in API Bulletin 92L or as otherwise approved by the District Manager." Two of the commenters also suggested that BSEE require the operator to assess risk in addition to receiving District Manager approval for the remedial activity.

- *Response:* As discussed elsewhere in this document (see part V.B.1), based on other comments BSEE has revised the safe drilling margin requirements in final § 250.414 to provide operators more flexibility in determining a proper safe drilling margin. The revisions to that section resolve most, if not all, of the concerns raised by the commenters in connection with proposed § 250.427. In this final rule, BSEE is not specifying how the operator must remedy the situation when the safe drilling margin cannot be maintained. Accordingly, BSEE has not made the changes to proposed § 250.427 requested by the commenters. However, BSEE will evaluate API Bulletin 92L and, if BSEE determines that it is appropriate to require application of that standard to remedial actions when safe drilling margins cannot be maintained, BSEE may propose incorporating that standard in the regulations in a separate rulemaking.

What must I do in certain cementing and casing situations? (§ 250.428)

This section of the existing regulation describes actions that must be taken when certain situations (*e.g.*, unexpected formation pressures) are encountered during casing or cementing operations. BSEE did not propose changes to paragraph (a) or paragraphs (e) though (i). BSEE proposed to revise paragraph (b) of this section to require District Manager approval for proposed hole interval drilling depth changes (greater than 100 feet total vertical depth), and submittal of a certification that a PE has reviewed and approved the proposed changes. These proposed requirements were intended to assist BSEE in verifying the actual well conditions.

BSEE also proposed to revise former paragraph (c), to clarify the requirements for actions that must be taken if there is an indication of an inadequate cement job, and former paragraph (d), clarifies that if the cement job is inadequate, the District Manager must approve all proposed remedial actions (except immediate action to ensure safety or to prevent a well-control event). In addition, BSEE proposed to add paragraph (k) (concerning the use of valves on drive pipes during cementing operations for the conductor casing, surface casing, or liner), to require certain actions to assist BSEE in assessing the structural integrity of the well. After consideration of comments on these proposed revisions, BSEE has included proposed paragraphs (b), (c), and (d) in the final rule without change. However, as discussed in the following responses, BSEE has revised the language of proposed paragraph (k) in the final rule.

Comments Related to Proposed § 250.428(b)—Changing Casing Setting Depths or Hole Interval Drilling Depth

Summary of comments: One commenter raised concerns that the proposed changes to existing § 250.428(b), which specifies what operators must do when they need to change casing setting depths or hole interval drilling depths, would be too restrictive. The commenter asserted that if the requirement was limited to changes that exceed 300 feet TVD—instead of 100 feet TVD as proposed—it would minimize unnecessary resubmittals of proposed changes to District Managers for approval and certifications of the proposed changes by PEs.

- *Response:* BSEE does not agree with this comment. Changing the requirement in § 250.428(b) from 100 feet TVD to 300 feet TVD would adversely affect the source control and containment capabilities required by § 250.462(a) since it could affect the performance and integrity of the well as designed and affect the determination of whether a full shut-in can be achieved. Accordingly, BSEE made no changes in the final rule to the proposed language of paragraph (b) in response to this comment.

Comments Related to Proposed § 250.428(b) and (d)—PE Certification

Summary of comments: Multiple commenters raised concerns with the requirement in proposed § 250.428(b) and (d) that a PE certify that he or she has reviewed and approved proposed changes to casing setting depths as well as proposed changes to the well program to remedy an inadequate cement job. The commenters asserted that PE certification of proposed changes to casing setting depths should be required only if those changes would affect the effectiveness of a barrier or if the change in the casing setting depth would lead to a significant change in the cementing program (*e.g.*, exposure of an additional hydrocarbon zone).

In case of an inadequate cement job, the commenters recommended that BSEE require that: (1) The operator submit a remedial action plan that includes immediate action and planned future action; (2) the District Manager approve the remedial action, unless immediate actions must be taken to ensure the safety of the crew or to prevent a well-control event; (3) if the operator completes any unapproved immediate action to ensure the safety of the crew or to prevent a well-control event, the operator must submit a description of the action to the District Manager when that action is complete; and (4) any changes to the well program (implicitly including casing or cement programs) that can impact the effectiveness of the barrier will require a certification by a PE that he or she reviewed and approved the proposed changes, and the changed well programs must meet any other requirements of the District Manager.

One commenter also requested that BSEE clarify whether the PE certifications required by § 250.428 refer only to changes to the casing design and primary cementing plans and not to proposed changes included in an APM. The commenter suggested revising the PE certification language in that paragraph to read: "certifying that the PE reviewed and approved the revised casing and/or cement program."

- *Response:* BSEE does not agree that any of the changes to proposed § 250.428 suggested in these comments are necessary. BSEE does not agree that PE certifications for changes to casing setting depths should only be required when such changes would degrade barrier effectiveness. Changes to the casing setting depths could also affect the performance and integrity of the well as designed and determinations as to whether a full shut-in can be achieved. In addition, PE certification provides additional QA/QC and helps ensure that the actions are appropriate for the specific well. If an operator has any questions about what specific changes the PE must certify, the operator may contact the appropriate District Manager.

BSEE agrees, however, with the commenter's request that we clarify that the PE certification requirements in proposed § 250.428(b) and (d) apply only to the changes described in those paragraphs and not to other changes included in an APM. That is the correct interpretation of those provisions and no change to the proposed language of those paragraphs is necessary in the final rule.

Comments Related to Proposed § 250.428(c)—Indications of Inadequate Cement Job

Summary of comments: Several commenters recommended adding "lift pressure analysis" to the list of actions (*i.e.*, temperature survey, cement evaluation log, or combination of both) as an alternative method to determine the adequacy of the cement job under proposed § 250.428(c)(1). The commenters stated that cement lift pressure analyses are an industry-recognized alternative to cement evaluation logs for determining the top of cement.

Another commenter stated that the requirements in § 250.428(c) should be revised so that when a casing shoe is not set in hydrocarbons, only a shoe test would be required to confirm that the cement job was successful. On the other hand, the commenter suggested that if hydrocarbons are present, a shoe test would not be enough to confirm cement job success, and a combination of other techniques (including lift pressure analysis, radioactive tracers, and/or cement bond logging) should be required to confirm job success.

One commenter supported the proposed changes to § 250.428, but recommended that the diagnostic tests should also be run for all offshore wells to verify adequate cement placement. The commenter also recommended that the proposed requirements in § 250.428(d) for remedying inadequate cement jobs be strengthened to require a repeat cement evaluation log to verify that the cement repair was successful.

- *Response:* BSEE does not agree that the changes suggested by these comments are necessary. Lift pressure analysis and a shoe test by themselves are not conclusive indicators of an adequate cement job, and the additional techniques (*i.e.*, temperature survey or cement evaluation log or a combination of both) in § 250.428(c) may be necessary to assist in locating the top of the cement.

With regard to the comment on strengthening the requirements for remedial actions in proposed § 250.428(d), there is no need to specify that a repeat cement evaluation is necessary if there is any indication that the repair was inadequate. In such a case, § 250.428(c) would still apply, and the actions required by that paragraph, including a PE certification, must still be taken.

BSEE also does not agree with the suggestion that § 250.428(c) should apply to all wells, even if there is no indication of an inadequate cement job. When there is no indication of an inadequate cement job, the existing requirement to pressure test all casings and liners (formerly § 250.423, redesignated as § 250.721 in this final rule) provides a reasonable indication of a good cement job.

Comments Related to Proposed § 250.428(d)—Immediate Action Reporting

Summary of comments: Regarding the "immediate action" reporting requirement in § 250.428(d), one commenter asked whether there is an obligation for contractors to provide individual reports or to verify that such reports have been submitted by the operator. Regarding the remedial action reporting, another commenter asked whether BSEE had any expectation that a drilling contractor would submit this report.

- *Response:* As a general matter, BSEE looks to the designated operator to make filings on behalf of all lessees and owners of operating rights. This issue is discussed in more detail in part VI.B.5 of this document.

Comments Related to Proposed § 250.428(k)—Valves Used on the Drive Pipe

Summary of comments: With regard to proposed § 250.428(k)—specifying what an operator must do when it plans to use a valve on the drive pipe during cementing for conductor or surface casings or for liners—one commenter suggested that the reference to use of a valve was too limiting. The commenter suggested changing the word "valve" to "barrier." This would make the requirements in § 250.428(k) applicable to pressure caps, stabs, or other barriers in addition to valves.

The commenter also pointed out that for subsea wells, several valves are normally used, one for each port; therefore, the proposed rule should not use the singular word "valve." The commenter also said that it is common practice to use a secondary barrier (such as a pressure cap) to supplement a valve (*i.e.*, in case the valve leaks). Therefore, the commenter recommended that BSEE revise the proposed requirement that "[y]our description [of the plan to use a valve] must include a schematic of the valve and height above the water line . . ." to read: "Your description must include a schematic of the primary and secondary barriers and height above mud-line. . . ."

- *Response:* BSEE agrees that changing "valve" to "valves" in § 250.428(k) is appropriate, and has revised the final rule accordingly. However, BSEE does not agree that the other changes suggested by the commenters are necessary. In proposed, and now final, § 250.428(k), the reference to valves is limited to valves used to verify visible cement returns, and thus it is expected that some cement will escape those valves. They do not serve the same purpose as other barriers.

What are the general requirements for BOP systems and system components? (§ 250.440)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.730. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What are the requirements for a surface BOP stack? (§ 250.441)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed §§ 250.733 and 250.735. BSEE received no comments on the proposed removal and reservation of this section and the final rule takes that action.

What are the requirements for a subsea BOP system? (§ 250.442)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.734. BSEE received no comments on the proposed removal and reservation, and the final rule takes that action.

What associated systems and related equipment must all BOP systems include? (§ 250.443)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed §§ 250.733, 250.734, and 250.735. BSEE received no comments on the proposed removal and reservation, and the final rule takes that action.

What are the choke manifold requirements? (§ 250.444)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.736. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What are the requirements for kelly valves, inside BOPs, and drill-string safety valves? (§ 250.445)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.736. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What are the BOP maintenance and inspection requirements? (§ 250.446)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.739. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

When must I pressure test the BOP system? (§ 250.447)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.737. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What are the BOP pressure tests requirements? (§ 250.448)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.737. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What additional BOP testing requirements must I meet? (§ 250.449)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.737. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What are the recordkeeping requirements for BOP tests? (§ 250.450)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.746. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What must I do in certain situations involving BOP equipment or systems? (§ 250.451)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.738. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What safe practices must the drilling fluid program follow? (§ 250.456)

This section of the existing regulation specifies safe practices (*e.g.,* proper conditioning of drilling fluid) that must be included in a drilling fluid program. BSEE proposed no significant changes to paragraphs (a) through (i) of the existing regulation. However, BSEE proposed removing paragraph (j) of the existing regulation, re-designating former paragraph (k) as paragraph (j), and moving the content of former paragraph (j), which requires District Manager approval for displacing kill-weight fluid, to proposed § 250.720(b). This was intended to clarify that this requirement applies to all drilling, workover, completion, and abandonment operations. BSEE received no substantive comments on this provision of the proposed rule, and the final rule takes these actions.

What are the source control, containment, and collocated equipment requirements? (§ 250.462)

This section of the existing regulation was entitled "What are the requirements for well-control drills?" BSEE proposed to re-title and completely revise this section, and to move the contents of former § 250.462 to proposed §§ 250.710 and 250.711. As proposed, § 250.462 would require the operator to demonstrate the ability to control or contain a blowout event at the sea floor. Proposed paragraph (a) would require the operator to determine its source control and containment capabilities; proposed paragraph (b) would require that operators have access to, and the ability to deploy, source control and containment equipment (SCCE) necessary to regain control of the well; proposed paragraph (c) would require submittal of a description of the source control and containment capabilities before BSEE approves an APD; proposed paragraph (d) requires reevaluation by BSEE approval if certain events occur; and proposed paragraph (e) outlines maintenance, inspection, and testing requirements for specified containment equipment. After consideration of comments on the proposed section, and as explained in the following responses, BSEE has included paragraphs (a) through (d) in the final rule as proposed. BSEE has, however, revised the language of proposed paragraph (e) in the final rule.

Comments Related to Proposed § 250.462—Introductory Paragraph

Summary of comments: One commenter recommended that an "alternate contingency plan" be added at the end of the introductory paragraph to § 250.462 and also to the description of SCCE in § 250.462(c)(1) and (c)(3). The commenter asserted that this would provide an equivalent seabed source control and containment alternative, and that the proposed rule does not promote the development of alternative technologies that may be more effective than traditional responses.

- *Response:* BSEE does not agree with this comment. Companies are free to design any type of equipment as long as they demonstrate it has the capability to respond to a loss of well-control situation. Therefore, no changes are needed to this proposed section in response to this comment.

Comments Related to Proposed § 250.462(a)—Determining Source Control and Containment Capabilities

Summary of comments: Several commenters suggested revising proposed § 250.462(a)(2) to differentiate well designs that can be fully shut-in from those that can only be partially shut-in, and to require operators to "verify," rather than to "determine," that a full shut-in can be achieved. Some of these same commenters also recommended adding a new paragraph (a)(3) to require that an operator have the capability to: "flow and capture the residual fluids to a subsea well." Commenters also suggested that the analyses required in proposed § 250.462(a)(1) and (2) be bolstered by stating that the analyses should be performed using the most current version of the well containment screening tool. Commenters stated that the BSEE-endorsed well containment screening tool provides the necessary analysis; operators have used this tool for over four years and submit it with all affected APDs. Commenters suggest that this currently accepted practice should be acknowledged and codified.

- *Response:* BSEE disagrees with the suggestion that the rule should require use of the well containment screening tool. Although the rule does not require operators to use that tool, it is an acceptable tool to use for the analyses required in final § 250.462(a)(1) and (2), and is typically included as a condition in APDs. Similarly, the other recommended changes to paragraph (a) are not necessary, since use of the well containment screening tool would lead to essentially the same results that the commenters' recommendations are intended to achieve.

Comments Related to Proposed § 250.462(b)—SCCE

Summary of comments: One commenter requested BSEE add subsea device connections or transition connections from one component to another to the equipment listed in § 250.462(b) as SCCE. The commenter asserted that for industry to progressively address safety, efficiency, timeliness, certainty in methods and systems to contain and capture reservoir fluid, BOP connections and containment points should be considered as SCCE.

- *Response:* BSEE does not agree with the requested addition to proposed paragraph (b). The equipment requirement that the commenter recommends adding to this provision is already addressed in the APD and the well containment screening tool. BSEE will not approve an APD unless the operator ensures that it has the equipment needed. BSEE does not specify what equipment is to be used for a given scenario under final § 250.462(b); that provision requires only that the equipment be accessible and capable of responding to an oil spill.

Summary of comments: Some commenters requested other changes to proposed § 250.462(b), asserting that SCCE requirements should be specific to each well and that cap and flow equipment should not be required for wells that are specifically designed for shut-in on a full hydrocarbon column. Among other things, the commenters requested that BSEE clarify that SCCE means the capping stack, cap and flow system, and "(where applicable . . . , containment dome (*i.e.,* localized, non-pressurized, subsea fluids collection device)," and that cap and flow systems (including containment domes) are not required for wells that are designed for shut-in on a full column of hydrocarbons.

- *Response:* BSEE does not agree that the requested changes are necessary. The initial screening of a well might indicate that it can be fully shut-in, but the operator should always have the equipment necessary and available if something happens that would change the outcome of the situation from a full shut-in to a cap and flow scenario. The initial screening presents a model outcome based on what is known at the time that the APD is submitted. BSEE realizes there is always the potential that, although the results of the initial screening indicate that the well could be controlled through a full shut-in (capping only), the well could actually require cap and flow if an actual loss of well control were to occur. BSEE wants to ensure that the operator is prepared for this situation and has all of the assets that may be needed available to respond to a loss of well control.

Comments Related to Proposed § 250.462(c)—Description of Source Control and Containment Capabilities

Summary of comments: Regarding proposed § 250.462(c), commenters raised questions and recommended wording changes. Three commenters stated that industry already submits the required documents with each permit application (RP checklist) and suggested that the Regional Containment Demonstration (RCD), once approved, would satisfy the new requirements. Other commenters suggested retaining flexibility for containment capabilities (*i.e.,* pre-installed capping device for spar and TLPs, in-situ burning and dispersants) and suggested that BSEE revise § 250.462(c)(1) to allow an "approved alternate contingency plan" as an alternative to a description of containment capabilities for controlling and containing a blowout event at the seafloor. Commenters also suggested that BSEE change proposed § 250.462(c)(3) to allow "other approved contingency plan equipment" as an alternative to information showing that the operator has access to and ability to deploy all equipment required by paragraph (b).

- *Response:* BSEE agrees that the RCD may indicate source control and containment capabilities, but operators should not assume that pre-installed containment equipment (*i.e.,* pre-installed capping device) will work. This equipment is located on the rig and does not replace a capping stack, which is located elsewhere and can be used in the event that the equipment located on the rig fails. Therefore, BSEE requires operators to demonstrate that they are ready to respond with additional equipment (*i.e.,* capping stack), if necessary. Moreover, subsea dispersant equipment are not considered source control or containment devices, but rather equipment that is collocated and deployed alongside SCCE operations. Accordingly, BSEE does not agree with the recommended changes to proposed § 250.462(c).

Comments Related to Proposed § 250.462(d)—Notification of BSEE

Summary of comments: Some commenters requested a change to the requirements in proposed paragraph (d) to advise BSEE of any well design change and to suspend operations until the required out-of-service SCCE is repaired or replaced. The commenters asserted that the proposed requirement to advise BSEE of any well design change will pose an undue burden on both the operator and BSEE. They also claimed that it is important to clarify that only well design changes which negatively impact the results of the well containment screening tool require notification to BSEE. They also suggested that a risk-based approach should be adopted, that risk should be managed to the lowest possible level, and that if BSEE's regional representatives are not satisfied that the risk justifies continuing operations, then operations should be halted and the permit withdrawn. Therefore, the commenters suggested that BSEE revise proposed § 250.462(d)(1) to set conditions on when BSEE should be advised of well design change; *i.e.*, that BSEE should be advised only in the event of "any changes in the well design or well conditions that require a revised permit to drill to be submitted and can impact the results of the well containment screening tool."

One commenter also recommended that, since proposed § 250.462(d)(2) would require the operator to contact the BSEE Regional Supervisor to reevaluate source control and containment capabilities if required SCCE is out of service, the operator should be required to secure the well and suspend drilling operations until the SCCE equipment is repaired or replaced and returned to full active service.

- *Response:* BSEE does not agree that any change to proposed paragraph (d) is warranted by these comments. BSEE will require notification if there are any well design changes. However, BSEE is not specifying the approach to be used for reevaluation of source control and containment capabilities; the well containment screening tool mentioned by the commenter would be acceptable in most circumstances. The notifications for the well design changes must be submitted at the time the operator submits a revised permit. BSEE will evaluate, on a case-by-case basis, whether there is adequate equipment available if the SCCE is out of service, and will then determine if the operator needs to suspend drilling operations.

Comments Related to Proposed § 250.462(e)—Maintaining, Testing, and Inspecting SCCE

Summary of comments: BSEE received several comments on the cap and flow requirements in proposed § 250.462(e). In general, the comments stated that it is not necessary to have "cap and flow" capacity if a capping stack is capable of achieving a complete shut-in of the well. The commenters also stated that if an operator's evaluation, using the BSEE-endorsed well containment screening tool, indicates that a wellbore can be completely shut-in while maintaining full integrity, then cap-and-flow well design and equipment should not be required for the permit. The commenters suggested, however, that the cap-and-flow well design and equipment should be required for permit approval if the well containment screening tool indicates loss of wellbore integrity when attempting a complete shut-in. Another comment concerning the maintenance, testing, and inspection of SCCE, as required in proposed § 250.462(e), suggested that BSEE should use the API terminology of "pressure containing," rather than the proposed "pressure holding," to eliminate the possibility of misinterpretation. It was also suggested that BSEE consider referring to API RP 17W in paragraph (e) to provide more clarity regarding documentation, document retention, and reporting requirements in the proposed table of requirements.

- *Response:* Operators should always be ready to respond to a discharge or loss of well control requiring cap and flow response elements, even if the initial screening suggests that the wellbore can be fully shut-in. However, BSEE agrees that the terminology change suggested by the commenters (replacing "pressure holding" with "pressure containing") will improve consistency with current industry usage and provides a better description of the purpose of the equipment. Accordingly, BSEE included that revision in final § 250.462(e).

We do not agree, however, that API RP 17W should be incorporated in the final rule at this time. BSEE did not propose to incorporate that standard and, although we may consider this document for incorporation in the future, using the evaluation process previously described, if we decide it is appropriate to incorporate that standard, we will do so through a separate rulemaking.

Comments Related to Proposed § 250.462(e)—Testing SCCE

Summary of comments: Commenters provided specific comments on, and recommended revisions to, proposed § 250.462(e), suggesting that BSEE develop alternative testing methods and frequencies that will provide an equivalent or greater degree of verification. Some comments also addressed how pressure testing should be witnessed. Several commenters suggested that there should only be one witness during pressure testing to avoid duplication and the spending of unnecessary resources. Commenters suggested that the witness should be either BSEE or a BAVO, but not both.

One commenter stated that the required function testing of capping stacks should be conducted quarterly, and that pressure testing of all critical capping stack components should be conducted on a biennial basis.

Commenters also suggested changes to the proposed paragraph (e) to implement their comments, including changing "pressure holding critical components" to "pressure containing critical components, and changing the proposed witnessing requirement to allow witnessing by BSEE "and/or an independent third-party."

- *Response:* As discussed in the previous response, BSEE has agreed to change "pressure holding critical components" to "pressure containing critical components" in the final rule. This change provides a better description of the purpose of the equipment. BSEE has also addressed the concerns the commenters expressed on the use of BAVOs elsewhere in this document, in regard to §§ 250.731 and 250.732 and other BAVO-related provisions. BSEE disagrees with the suggestion that the proposed requirement that both BSEE and a BAVO witness the pressure tests be revised to require the presence of only one or the other. It is important for BSEE and a BAVO to witness all pressure testing, whenever it is possible for BSEE to be present. Although BSEE may not be available to witness every test, BSEE expects that it will witness a pressure test and a function test at least once per year. Therefore, BSEE has determined that is necessary to require a BAVO to witness every pressure test so that BSEE can be assured that every test is performed correctly. BSEE has also slightly revised the language in final § 250.462(e)(1)(ii) to clarify that if a BSEE representative is not available, the test may be witnessed by a BAVO alone.

Comments Related to Proposed § 250.462(e)(2)(i)—Production Safety Systems Used for Flow and Capture Operations

Summary of comments: Several commenters suggested changes to the § 250.462(e)(2)(i) requirements for production safety systems used for flow and capture operations. The commenters stated that subpart H of part 250 (§§ 250.800 through 250.808) includes requirements for items below the wellhead (*i.e.*, subsurface valves) that do not encompass source control equipment. They recommended the following change in the proposed text of paragraph (e)(2)(i): "Meet the requirements set forth in § 250.800 through 250.808, Subpart H, excluding equipment requirements that would be installed below the wellhead or that are not applicable to the cap-and-flow system.''

- *Response:* BSEE agrees with the commenter that this provision should not apply to downhole safety systems and has revised the final rule to exclude equipment below the wellhead.

Comments Related to Proposed § 250.462(e)(3)—Inspection of Subsea Utility Equipment

Summary of comments: Several commenters suggested BSEE should define the expectations for inspection of subsea utility equipment in § 250.462(e)(3). They asserted that subsea utility equipment—such as debris removal kits, hydraulic power units, coiled tubing, hydrate control, and dispersant injection equipment,—is in common use as provided by contractors and specific equipment is not designated in those retainer agreements. They suggested revising the language in proposed paragraph (e)(3) to more clearly define the scope of equipment that needs to be available for inspection, as follows: ''Subsea utility equipment, requirements, you must: Have all equipment utilized uniquely for containment operations available for inspection at all times.''

- *Response:* BSEE agrees that the nature of the equipment that the operator needs to make available to BSEE for inspection can be better defined. Accordingly, BSEE has decided to revise the requirement in final § 250.462(e)(3) to state, ''[h]ave all referenced containment equipment available for inspection at all times.'' BSEE also revised this section to include a parallel provision for collocated equipment. If the equipment is in use for other normal operations, BSEE expects that it would inspect similar equipment provided by the same contractor (*i.e.,* coiled tubing).

When must I submit an application for permit to modify (APM) or an end of operations report to BSEE? (§ 250.465)

This section of the existing regulation specifies circumstances that require an operator to submit an APM or EOR (Form BSEE–0125) and the timeframes for doing so. BSEE did not propose any changes to this section of the existing regulation, except former paragraph (b)(3). Accordingly, the remainder of former § 250.465 is retained in the final rules without change. BSEE proposed to revise former paragraph (b)(3) to clarify that, if there is a revision to the drilling plan, major drilling equipment change, or a plugback, the operator must submit an EOR within 30 days after completing the work. This proposed provision was intended to help ensure that BSEE has current well information. BSEE received no substantive comments on proposed paragraph (b)(3), and the final rule includes that paragraph as proposed.

Comments Related to Proposed § 250.465—Timeliness and Consistency of BSEE Action on Permit Applications

Summary of comments: Although the only revision to § 250.465 that BSEE proposed was to former § 250.465(b)(3), regarding submittal of EORs (*i.e.,* to incorporate the new EOR requirements in proposed § 250.744), one commenter raised general concerns regarding the timeliness and consistency of BSEE action on permit applications. The commenter stated that, although operators strive to submit permit applications well in advance of planned operations, BSEE engineers are not able to timely process new applications. Frequently BSEE is reviewing new permit requests just prior to a rig arriving, or after a rig is already on location, sometimes just before operations would have begun. The commenter also asserted that final approval of APDs and APMs is often received after operations begin, resulting in updated regulatory stipulations or changes to plans which can lead to non-compliance issues, confusion between parties, and could result in increased operational risks.

- *Response:* BSEE understands the concerns raised by these comments and is making efforts to improve the timeliness of its review and approval of APDs and APMs. With regard to this rulemaking, however, because these comments are outside the scope of the proposed rule, BSEE has not made any revisions concerning APM or APD submittals or approvals. Final paragraph (b)(3) requires submission of EORs within 30 days of completing work and does not address the submission of permit applications.

What records must I keep? (§ 250.466)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.740. BSEE received no substantive comments on this provision, and the final rule takes that action.

How long must I keep records? (§ 250.467)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.741. BSEE received no comments on the proposed removal and reservation, and the final rule takes that action.

What well records am I required to submit? (§ 250.468)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed §§ 250.742 and 250.743. BSEE received no comments on the proposed removal and reservation, and the final rule takes that action.

What other well records could I be required to submit? (§ 250.469)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.745. BSEE received no comments on the proposed removal and reservation, and the final rule takes that action.

Subpart E—Oil and Gas Well-Completion Operations

General Requirements (§ 250.500)

This section of the existing regulation requires that well-completion operations be conducted in a way that protects human and animal life, property, OCS natural resources, National security and the environment. BSEE proposed to revise this section by adding language requiring operators to follow the applicable requirements of proposed new Subpart G (in addition to Subpart E). BSEE also proposed to replace the word ''shall'' with ''must'' throughout this section in order to clarify that the provision is mandatory. BSEE received no substantive comments on these proposed revisions to the existing regulation and has made no changes to the proposed language in the final rule.

Equipment Movement (§ 250.502)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.723. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

Crew Instructions (§ 250.506)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.710. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

Well-control Fluids, Equipment, and Operations (§ 250.514)

This section of the existing regulation requires that well-control fluids, equipment, and operations be designed, used, maintained and tested to control the well under foreseeable conditions. BSEE did not propose any changes to this section except proposing to remove paragraph (d) of the existing regulation and move its content to proposed § 250.720. BSEE received no substantive comments on this proposed revision and the final rule takes that action.

What BOP information must I submit? (§ 250.515)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed §§ 250.731 and 250.732. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

Blowout Prevention Equipment (§ 250.516)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed §§ 250.730, 250.733, 250.734, 250.735, and 250.736. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

Blowout Preventer System Tests, Inspections, and Maintenance (§ 250.517)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed §§ 250.711, 250.737, 250.738, 250.739, and 250.746. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

Tubing and Wellhead Equipment (§§ 250.518—Completion Operations and 250.619—Workover Operations)

These sections of the existing regulation provide requirements for placement of tubing strings, periodic evaluation of casing subject to prolonged operations, and monitoring of casing pressure for completions and workovers, respectively. BSEE proposed to remove former paragraph (b) from both sections (and to redesignate the remaining paragraphs accordingly); and to add new paragraphs (e) and (f) to both sections. Those new paragraphs would apply to packers and bridge plugs and require adherence to newly incorporated API Spec. 11D1, *Packers and Bridge Plugs;* clarify criteria production packer setting depths; and require that an APM include a description of, and calculations for determining, the production packer setting depths. After consideration of comments on the proposed revisions, BSEE has removed former paragraphs (b) from both sections in the final rule; has included paragraph (f), as proposed, in both final sections; and has revised the proposed language in paragraph (e) of §§ 250.518 and 250.619, as discussed in the following responses and in part V.C of this document.

Comments Related to Proposed §§ 250.518 and 250.619—Packers and Bridge Plugs

Summary of comments: Certain commenters stated that compliance with API Spec. 11D1 should not be required for temporary packers and bridge plugs (*i.e.,* those used for well servicing). Commenters stressed that API Spec. 11D1 does not apply to temporary packers and bridge plugs.

Commenters also had concerns about the proposed requirements in §§ 250.518(e) and 250.619(e) for setting depth and location of the packers. For example, the commenters were concerned that the regulations could require setting the packers as close as possible to the perforated interval and within the cemented interval of the casing section.

One commenter asked BSEE to clarify whether the requirements in proposed §§ 250.518 and 250.619 would apply only to packers and bridge plugs installed after the rule takes effect, or whether they would also apply to packers and plugs already installed before the rules take effect.

- *Response:* BSEE agrees with the commenters that the API standard itself does not apply to temporary plugs and packers, and thus that these regulations should only require compliance with API Spec. 11D1 for permanent packers and bridge plugs. Accordingly, BSEE has revised the text in paragraphs (e)(1) of final §§ 250.518 and 250.619 to reflect that the requirement applies only to permanently installed packers and bridge plugs.

BSEE understands the concerns about the production packer setting requirements. However, BSEE wants to ensure that the packer is set as required in this section in order to help ensure long term equipment reliability. For example, setting a packer in a cemented interval will slow down deterioration that could occur in other settings and thus will prolong the effectiveness of the packer. Also, BSEE wants to ensure that the packer is not set too high, so that, if there is a problem with the packer in the well (*e.g.,* a leak), operators will have enough space above the packer to pump a sufficient volume of weighted fluid into the well to exert a hydrostatic force greater than the force created by the reservoir pressure below the packer. If there are any concerns about the specific packer setting depth in any given case, the operator may contact the appropriate District Manager for guidance.

Finally, BSEE agrees that final §§ 250.518 and 250.619 are applicable only to packers and bridge plugs installed after the effective date of the final rule, and they do not require removal and replacement of existing packers and bridge plugs already in use. We slightly revised final § 250.518(e) to further clarify that intent; no change to final § 250.619(e) is necessary since that language is already clear on this point.

Subpart F—Oil and Gas Well-Workover Operations

General Requirements (§ 250.600)

This section of the existing regulation requires workover operations to be conducted in a way that protects human and animal life, property, OCS natural resources, National security and the environment. BSEE proposed no changes to this section except proposing to add a requirement for operators to follow the applicable provisions of new subpart G (in addition to subpart F). BSEE received no substantive comments on this proposed revision, and the final rule adds the proposed language to final § 250.600.

Equipment Movement (§ 250.602)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.723. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

Crew Instructions (§ 250.606)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.710. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

Well-Control Fluids, Equipment, and Operations (§ 250.614)

BSEE proposed to remove paragraph (d) of this former section and to move it to proposed § 250.720. BSEE received no substantive comments on this provision of the proposed rule and the final rule takes that action.

What BOP information must I submit? (§ 250.615)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed §§ 250.731 and 250.732. BSEE received no comments on the proposed removal and reservation of this section, and the final rule makes that change.

Coiled Tubing and Snubbing Operations (§ 250.616)

This section of the existing regulation was entitled "Blowout Prevention Equipment" and provided criteria for design, use, maintenance, and testing of BOPs and related well-control equipment. BSEE proposed to re-title § 250.616 as "Coiled tubing and snubbing operations," to remove paragraphs (a) through (e) of the former section, and to move the content of those sections to final §§ 250.730 and 250.733 through 250.736. BSEE also proposed to re-designate former paragraphs (f) through (h) as paragraphs (a) through (c) without changing the contents of those paragraphs. As proposed, redesignated paragraph (a) sets minimum requirements for coiled tubing equipment and operations; redesignated paragraph (b) sets certain requirements for BOP system components for workover operations with a tree in place; and redesignated paragraph (c) requires that an inside BOP or certain types of safety valves be maintained on the rig floor during workovers. BSEE received no substantive comments on this provision of the proposed rule and final § 250.616 includes the proposed changes without additional revision.

Blowout Preventer System Testing, Records, and Drills (§ 250.617)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed §§ 250.711, 250.737, and 250.746. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

What are my BOP inspection and maintenance requirements? (§ 250.618)

BSEE proposed to reserve and remove this section and to move the content of this former section to proposed § 250.739. BSEE received no comments on the proposed removal and reservation of this section, and the final rule takes that action.

Subpart G—Well Operations and Equipment

General Requirements

What operations and equipment does this subpart cover? (§ 250.700)

As provided for in the proposed rule, this new section explains that subpart G applies to drilling, completion, workover, and decommissioning activities and equipment. BSEE received no substantive comments on this provision of the proposed rule and has made no changes to the proposed language in the final rule.

May I use alternate procedures or equipment during operations? (§ 250.701)

May I obtain departures from these requirements? (§ 250.702)

As provided for in the proposed rule, §§ 250.701 and 250.702 add provisions to new Subpart G acknowledging operators' ability to request BSEE approval of alternative procedures or equipment and to request departures from operating requirements in accordance with existing §§ 250.141 and 250.142, respectively. BSEE has considered the comments submitted on these proposed sections, and as explained in the following responses, the final rule includes these sections without change.

Comments Related to Proposed §§ 250.701 and 250.702—Alternate Procedures or Equipment and Departures

Summary of comments: Multiple commenters raised concerns about such requests. In particular, some commenters claimed that some of BSEE's past decisions on alternatives and departure requests were not consistent across all districts.

Another commenter asserted that the proposed rule is unclear about when it would be appropriate for BSEE to allow a departure from the well operations and equipment regulations in subpart G. The commenter stated that the reasons for granting a departure are not specified in existing § 250.142 or proposed § 250.702, and that the existing and proposed regulatory language for departure requests does not specify that the operator must demonstrate that it will achieve at least the same level of safety and environmental protection as the regulation from which it wants to depart. The commenter recommended that BSEE remove the proposed and existing regulations for departures, unless BSEE can explain its reasons for allowing departures from the applicable drilling requirements, or why a departure should be allowed without requiring an adequate substitute for the relevant requirements. The same commenter suggested that existing § 250.408 and proposed § 250.701 provide an adequate option for operators to request approval to use alternative procedures in situations, such as technical innovations, where there is a beneficial reason to allow such alternatives, that must meet or exceed the requirements in the regulations. Other commenters also raised questions regarding contractor responsibilities.

- *Response:* BSEE and the operators need enough flexibility under these rules to reasonably accommodate a wide range of potential alternative compliance methods and departures. Requests to use alternate procedures or equipment must provide sufficient justification for BSEE to make a determination that the proposed alternatives provide a level of safety and environmental protection that equals or surpasses current requirements. With respect to requests for departures from operating requirements, BSEE does not specify the type of justification required because doing so could unnecessarily limit the submission of supporting documentation that could be pertinent under the various circumstances that might arise. Moreover, even though existing § 250.409 and proposed § 250.702 do not expressly require an operator seeking a departure to demonstrate that the operator can still achieve the same level of safety and environmental protection required by the rules, BSEE expects that any request for departure will include appropriate measures to ensure safety and environmental protection. Accordingly, BSEE has not made any changes to this provision in the final rule.

BSEE is aware of operator perceptions that some past decisions made by different Regions or Districts on alternative compliance or departure requests appeared to lack complete consistency. However, approval of an alternative compliance or departure request is largely dependent upon specific site conditions and operational parameters that can vary significantly, even for requests that otherwise seem similar on their face. Thus, some perceived inconsistent decisions are explainable in light of the different case-specific facts and circumstances. BSEE strives to ensure consistency in decision-making among all Regions and Districts, and BSEE is developing internal procedures to improve consistency. In any event, this commenter's concerns about consistency do not require any change to the regulations.

Regarding the concerns raised about contractor responsibilities, that issue is discussed in part VI.B.5 of this document.

What must I do to keep wells under control? (§ 250.703)

As provided for in the proposed rule, this new section is intended to clarify certain precautions required to ensure well control at all times. Paragraphs (a) through (f) of proposed § 250.703 are included in the final rule without change for the reasons discussed in the following responses to comments. Proposed paragraph (f) of this section would require the use of equipment that is appropriately designed, tested, and rated. However, as explained in the following responses to comments on this proposed section, paragraph (f) in the final rule has been revised to clarify that it applies to the "maximum environmental and operational conditions" (rather than the proposed "most extreme conditions") to which the equipment will be exposed.

Comments Related to Proposed § 250.703—General Well-Control Requirements

Summary of comments: One commenter asserted that the rules should focus on minimizing the volume of an influx to a well and should require better ways (such as Coriolis meters, additional sensors, and personnel training) to determine and recognize flow. This commenter described an alternative approach based on understanding and recognizing well characteristics. The commenter noted that some companies already routinely perform this type of work. The commenter suggested the following revisions to the proposed rule: (1) Providing more emphasis on accurately measuring flows to and from a well; (2) remedying the current lack of control devices/instrumentation installed with deep-water marine riser systems; (3) requiring well-specific/rig-specific training for personnel; and (4) requiring realistic well control modeling of the well systems.

- *Response:* This section of the final rule provides both specific and general performance-based parameters for keeping wells under control that are applicable to all types of wells and conditions. However, the listed parameters are not exclusive of other well control measures. This section requires operators to "take the necessary precautions," not just the precautions listed in § 250.703, to control wells and to "[u]se and maintain equipment and materials necessary to ensure the safety and protection of personnel . . . and the environment." BSEE did not prescribe specific technological requirements, including some of the equipment recommended by the commenter, because we do not want to limit the operators' options to ensure and improve safety. BSEE is directly involved with numerous research projects, and aware of others, involving technological advancements that could improve equipment and processes, including ways to better identify an influx to a well and to improve rig personnel situational knowledge. As more information on such advancements becomes available, BSEE may use that information to update the regulations, as appropriate, in separate rulemakings. As a result, no changes were made to the proposed rule in response to this comment.

Comments Related to Proposed § 250.703—Best Available and Safest Drilling Technology

Summary of comments: One commenter discussed concerns about the potential change in expectations for operations that could result from the absence of the phrase "best available and safest drilling technology," which was contained in former § 250.401(a) but which was not in proposed § 250.703. Instead, proposed § 250.703(a) would require the operator to "use recognized engineering practices that reduce risks to the lowest level practicable." The commenter recommended that BSEE include both phrases in the final, promulgated version of § 250.703.

- *Response:* BSEE does not agree that adding the phrase "best available and safest drilling technology" to § 250.703 is necessary. The BSEE Director, under authority delegated by the Secretary of the Interior, will determine when to apply BAST for specific technologies. In applying BAST, the BSEE Director will determine: When the failure of equipment would have a significant effect on safety, health, or the environment; the economic feasibility of the technology; if the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies; and whether requiring the use of BAST is practicable on existing operations.

In this rulemaking, BSEE is not undertaking a BAST determination with respect to any specific technology that may be utilized to satisfy the requirements of § 250.703. Moreover, the requirement to use recognized engineering practices is one broadly associated with processes and methods. In contrast, the BSEE's BAST authority focuses on technologies, rather than practices.

Comments Related to Proposed § 250.703(f)—Most Extreme Service Conditions

Summary of comments: Some commenters requested revisions to proposed § 250.703(f), which would require the use of equipment that "has been designed, tested, and rated for the most extreme service conditions to which it will be exposed while in service." Commenters asserted that multiple extreme conditions are unlikely to occur simultaneously; thus, expected conditions based on engineering judgment would better represent the real world. The commenters stated that unnecessary over-design of equipment, which could result from the proposed language, could decrease overall system reliability and introduce additional risk. For example, the commenters noted that increased design loads for BOPs would lead to larger material forgings, adding to overall stresses and fatigue loads experienced by wellheads and casing strings.

Other commenters asserted that the proposed language regarding "most extreme conditions" is unclear, and recommended revising the regulation to use the term "anticipated conditions" instead. Some commenters also suggested that if BSEE believes extreme load survival is warranted for certain pieces of equipment, then BSEE should require extreme load survivability, and justify it, as a separate provision.

- *Response:* BSEE agrees that confusion could be created by the term "most extreme conditions." Accordingly, BSEE has revised final § 250.703(f) by replacing "most extreme service conditions to which it will be exposed" with the phrase "the maximum environmental and operational conditions to which it may be exposed." The latter phrase is derived from former § 250.417(a), which is now designated as § 250.713(a) in this final rule and which retains that phrase. Thus, industry is already familiar with the meaning of that language. BSEE intends that language to ensure that equipment used for operations is designed, tested, and rated for the most adverse weather and other conditions specific to the location in which it will be used and the well conditions to which it may be exposed. For example, equipment used in the GOM does not need to be designed, tested, and rated for Arctic conditions unless that equipment will be used in the Arctic. However, equipment used in the GOM does need to be designed, tested and rated for the possibility of extreme weather conditions, including hurricanes.

Rig Requirements

What instructions must be given to personnel engaged in well operations? (§ 250.710)

As provided for in the proposed rule, this new section requires personnel engaged in well operations to be instructed in safety requirements, possible hazards, and general safety considerations, as required by subpart S of part 250, prior to engaging in operations. Also as provided for in the proposed rule, this section clarifies that the well-control plan must contain instructions for personnel about the use of each well-control component of the BOP system, and must include procedures for shearing pipe and sealing the wellbore in the event of a well control or emergency situation before MASP conditions are exceeded. These changes will help establish better proficiency for personnel using well-control equipment.

After consideration of the comments submitted on this proposed section, BSEE included the proposed language for this new section in the final rule without change, except that final paragraph (a) includes minor revisions to the proposed language in order to clarify the intent of this paragraph that personnel must be instructed in hazards and safety requirements.

Comments Related to Proposed § 250.710(b)—Well and Rig Specific Training

Summary of comments: One commenter recommended that this section should place more emphasis on well and rig specific training for the crew. The commenter suggested that proposed § 250.710(b)—regarding the contents and use of well control plans—comes close to that goal. However, the commenter suggested that BSEE should go further, including requiring that personnel be fully informed of the characteristics of the well.

- *Response:* BSEE does not agree that the suggested changes to this section are necessary. The requirements of § 250.710(b) are intended to, and should be sufficient to, help ensure that rig personnel engaged in well operations are informed about their specific well-control duties and capable of performing them.

Comments Related to Proposed § 250.710(b)—Well-Control Plan

Summary of comments: Another commenter expressed general support for proposed § 250.710(b), but recommended that BSEE require that a well-control expert prepare the plan. This commenter also provided additional suggestions for what the plan should address, such as well-control measures using the primary rig, source control and containment equipment, and secondary relief rigs. The commenter also expressed concerns about the proposed requirement to post a copy of the well-control plan on the rig floor. The commenter noted that the plan can be a complex, lengthy, technical document, and thus recommended that a copy of the complete well control plan should be available on the rig floor for reference, and that a shorter version of the plan (with the key well-control steps) should be posted on the rig floor for quick reference.

- *Response:* BSEE does not agree that the changes suggested by the commenter are necessary. BSEE believes it is important that the completed well-control plan be available (*i.e.*, "posted") in the specific areas where the personnel doing the work can review and use it to confirm any pertinent details of their and other personnel's well-control duties. If only a summary of the plan were required to be posted, there would be some risk that the summary would omit key details of which rig personnel need to be aware.

In addition, BSEE does not believe that it is necessary for a well-control expert to draft the plan, as long as it describes the specific well-control actions that rig personnel need to take, and provides the other essential information that the personnel need to know, as specified in § 250.710(b). Nor is it necessary to include the additional information (*e.g.*, availability of SCCE or a secondary relief rig) suggested by the commenter; that information would be more appropriate for an Oil Spill Response Plan, but is not relevant to the well-control duties of the rig personnel.

What are the requirements for well-control drills? (§ 250.711)

As provided for in the proposed rule, this section consolidates requirements for well-control drills from various sections of the existing regulations (*i.e.*, §§ 250.462, 250.517, 250.617, 250.1707) and makes the requirements applicable to all drilling, completion, workover, and decommissioning operations covered under new subpart G. After consideration of the comments submitted on this proposed section, BSEE has included the proposed language in the final rule without change, except for a minor change to paragraph (a), as explained in the following response to comments and in part V.C of this document. This change to the proposed language of paragraph (a) will help establish better proficiency for personnel using well-control equipment.

Comments Related to Proposed § 250.711—Well-Control Drills

Summary of comments: Some commenters asserted that the proposed requirement is overly prescriptive. Some commenters were concerned about the stipulation that the same drill could not be repeated consecutively. They stated that the nature of drills is to reinforce learning objectives and it may be appropriate to repeat a drill until a successful outcome is achieved. They also noted that the drills should reflect the operation being conducted; certain operations continue over an extended period of time, and therefore it may be appropriate to repeat the drill for the ongoing operation. Also, certain drills should be repeated due to the criticality of upcoming operations.

One commenter recommended that the type of drills to be run should be recommended by a well-control expert and included in the written well-control plan. Also, this commenter stated that the operator should document lessons learned from drills as well as any need for additional or repeat training.

- *Response:* BSEE wants to ensure that all personnel complete drills involved with all relevant aspects of operations. However, BSEE recognizes that some drills may be more critical than others and should be done on a regular basis. Therefore, based on the comments received, BSEE has revised final § 250.711(a) to clarify that a particular drill cannot be run consecutively with the same crew. This change will help avoid overly narrow training for certain personnel and improve proficiency in well-control procedures by a broader set of rig personnel without unduly limiting the operator's discretion to schedule important drills.

BSEE agrees that it is useful for an operator to document any lessons learned from completed drills and that the operator should take appropriate steps to correct any deficiencies or other problems noted from past drills. For example, if the operator notes that certain personnel did not perform their duties correctly during a drill, it should consider scheduling extra drills involving those personnel and otherwise ensure that the personnel understand and can perform their specific duties, as described in the well-control plan. However, it is not necessary to add such specific, prescriptive requirements to the rule, because § 250.711(a) already imposes a responsibility on the operator to ensure that drills familiarize well operations personnel with their roles so that they can perform their well-control duties promptly and efficiently. BSEE believes that this performance-based requirement, allowing operators to decide the most effective ways to structure their drills, is appropriate given that drills may vary from rig-to-rig according to the specific rig's location and circumstances and the well conditions. However, if, as provided by § 250.711(c), BSEE orders a drill (in consultation with the operator's onsite representative) during an inspection, and BSEE observes any deficiencies, BSEE will notify the operator of any deficiencies and appropriate follow-up actions, if necessary. If appropriate, BSEE may also require additional drills during subsequent inspections.

BSEE expects the well-control plan and drills, as required by §§ 250.710 and 250.711, to function together as effective tools to help rig personnel understand and efficiently perform their well-control responsibilities and duties. Accordingly, except with regard to the revision described previously in § 240.711(a), no further revisions to final § 250.711 are needed.

What rig unit movements must I report? (§ 250.712)

As described in the proposed rule, this section includes language similar to former § 250.403 and adds several new requirements for reporting rig movements to BSEE. Paragraphs (a) and (b) of the final rule address rig movement reporting requirements for all rig units moving on and off locations. Paragraph (c) requires notifications to BSEE if a MODU or platform rig is to be warm or cold stacked on a lease, including information about where the rig is coming from, where it would be positioned, whether it would be manned or unmanned, and any changes in the stacking location. Paragraph (d) requires notification to the appropriate District Manager of any construction, repairs, or modifications associated with the drilling package made to the MODU or platform rig prior to resuming operations after stacking. Paragraph (e) requires notification to the District Manager if a drilling rig enters OCS waters as to where the drilling rig is coming from. Paragraph (f) clarifies that if the anticipated date for initially moving on or off location changes by more than 24 hours, an updated Rig Movement Notification Report (Form BSEE–0144) must be submitted to BSEE.

After consideration of the comments received, and as explained in the following responses to comments and in part V.C of this document, BSEE has made several revisions to the proposed language in this final rule.

Comments Related to Proposed § 250.712—Terminology

Summary of comments: A commenter noted that there were inconsistencies in BSEE's use of various terms for "rig" in this section and throughout the proposed rule. The commenter noted terms used in this section include: "Barge," "coiled tubing unit," "drill ship," "jackup," "snubbing unit," "semisubmersible," "submersible," "wire-line unit," "rig," "rig unit," "MODU," "platform rig," and "drilling rig." The commenter stated that these terms do not seem to be used consistently.

- *Response:* Different sections of the regulations may have different requirements for specific types of rigs, and BSEE has used different terms to specify what rigs are covered by each specific section. In particular, proposed and final § 250.712 expressly require reporting of movements by rig units, including MODUs, platform rigs, snubbing units, wire-line units used for non-routine operations, and coiled tubing units. As a result, no changes to the rig terminology are necessary in the final rule. If any operator is unsure as to whether a particular section of the rules applies to a particular unit, the operator may contact the District Manager for assistance. If future experience with these final rules indicates that further guidance is needed on the meaning of any terms, BSEE may issue appropriate guidance or amend the regulations at that time.

Comments Related to Proposed § 250.712(a)—72-Hour Rig Movement Notification

Summary of comments: Several commenters raised concerns that the requirement in proposed § 250.712(a)(2) to notify the District Manager 72 hours before the planned movement of a rig—as compared to the longstanding requirement for 24-hour advance notification under former § 250.403(a)—will result in many inaccurate estimates of rig moves, given the potential for plans and schedules to change. Such changes are likely to result in multiple reporting adjustments being submitted to BSEE. Another commenter stated that the 72-hour notice requirement would be cumbersome and expensive for wireline and coiled tubing units.

- *Response:* BSEE agrees with commenters that the proposed 72-hour notice requirement may result in additional revisions to the submitted form, due to the possibility of frequent adjustments to the rig movement schedule over that period. A 24-hour notice requirement would provide a better, more reliable indication of when a rig will actually move and will minimize the need for revisions to previous notifications. Accordingly, the final rule retains the requirement of 24 hours, which was in the pre-existing regulation.

Comments Related to Proposed § 250.712(c)—Stacking of Rigs

Summary of comments: A commenter recommended that BSEE should include an "escape clause" under proposed § 250.712(c) so that operators who have not expressly provided permission for stacking a MODU on their lease would not be required to provide the specified information to BSEE.

- *Response:* BSEE does not believe that it is necessary to change the proposed language. BSEE intends that the responsibility for reporting the rig movement under this provision falls on the operator or lessee on the lease where the rig is working, not the operator or lessee where the rig is being moved to for stacking. Thus, if a lessee or operator has not given permission for another operator's MODU or platform rig to be stacked on its lease, the operator/lessee who holds the lease would not be required to provide the information to BSEE, as the commenter suggested.

Comments Related to Proposed § 250.712(d)—Notification of Construction, Repairs, or Modifications

Summary of comments: Regarding proposed § 250.712(d)—requiring notification of repairs or modifications to the drilling package for stacked units—a commenter suggested that BSEE should not assume an operator has stacked a rig on the operator's location, but rather should want to know if any stacked rig returns to operation and what was done to it prior to the commencement of operations. The rig may not be resuming operations for the operator who held the contract when it was moved. Another commenter requested that BSEE define the components of the "drilling package" and that, since equipment repairs are performed to return the equipment back to specification, the requirement to report repairs should be removed. A commenter stated that the requirement to notify the District Manager of "any" construction, repairs or modifications associated with the drilling package is ambiguous.

- *Response:* The information required by this section is necessary for planning and response purposes, including planning for possible inspections. The term "drilling package" is a commonly understood industry term and does not require further definition. BSEE intends that "any" construction, repairs, or modifications should be reported. If repairs or modifications were made to the drilling package, BSEE could need that information to plan and conduct inspections and perform additional reviews to ensure the repaired or modified equipment is used as intended. Although BSEE cannot predict in advance all potential types of repairs or modifications that may arise, BSEE expects a rule of reason, and does not expect every trivial, de minimis, repair (*e.g.*, replacing a loose screw) to be reported.

Comments Related to Proposed § 250.712(e)—Rig Entering OCS Waters

Summary of comments: A commenter asserted that paragraph (e) assumes the operator has the rig under contract when it enters OCS waters. The commenter suggested that the requirement instead be keyed to when a rig is first utilized for well operations after coming from an overseas location.

- *Response:* BSEE disagrees. BSEE expects an operator that has a contract on a rig coming from overseas to make the notification upon entry of the rig into U.S. waters, so that BSEE has an opportunity to inspect or otherwise determine that the rig is suitable, before the rig is first utilized on the OCS. Operators should be aware if its contract rig is entering OCS waters and where it is coming from.

What must I provide if I plan to use a mobile offshore drilling unit (MODU) for well operations? (§ 250.713)

As provided for in the proposed rule, this section includes MODU requirements (*e.g.*, fitness and foundation requirements) from former § 250.417, and makes the former requirements applicable to all operations covered under subpart G. Paragraph (g) of the final rule also codifies certain monitoring requirements previously discussed in BSEE NTL 2009–G02, *Ocean Current Monitoring.* This final section is revised from the proposed rule as discussed in the comment responses for this section and part V.C of this document.

Comments Related to Proposed § 250.713—Platform Types and USCG

Summary of comments: One commenter suggested that this section should also apply to other types of platforms, including multi-purpose service vessels. Another commenter recommended that BSEE coordinate with United States Coast Guard (USCG) regarding specific operating criteria used to analyze structural pipe on deepwater wells and take this opportunity to set uniform standards across the OCS. A commenter suggested adding the USCG to the provision under proposed § 250.713(d) regarding documentation of operational limits imposed by a classification society.

- *Response:* Although there may be some benefit to applying these requirements to other types of platforms, BSEE does not currently have enough data to make that determination. BSEE will need more data, and more research needs to be conducted, to justify expanding the scope of this section to other vessels and rigs. Similarly, BSEE does not have enough information at this time to proceed with the commenter's suggestion that we set specific criteria for analyzing structural pipe on deepwater wells.

In addition, BSEE would need to gather more information and to further consult with USCG before deciding whether to add USCG to the § 250.713(d) requirement for providing documentation on operational limits. BSEE may consider addressing these issues in separate rulemakings at a later date. In the meantime, BSEE will continue its close coordination with USCG in all matters involving BSEE and USCG responsibilities.

Comments Related to Proposed § 250.713—Terminology

Summary of comments: Another commenter asserted that the use of inconsistent terminology for "rigs" (*e.g.*, unit, rig unit) in this section may create confusion and recommended that BSEE review the Part 250 regulations for how the various terms referring to rigs are used and then include appropriate definitions.

- *Response:* Different sections of the regulations may have different requirements for specific types of rigs, and BSEE has used different terms to specify what rigs are covered by each specific section. However, BSEE agrees with the suggestion that the uses of various terms for rigs in this specific section could cause some confusion. Accordingly, BSEE made minor changes to this section to improve consistency between rig terms (*e.g.*, we replaced "unit" with "MODU" in final § 250.713(a)). The suggestion that BSEE review all of part 250 regarding the terminology for rigs falls outside the scope of this rulemaking. BSEE may review all of part 250 for this purpose at a later date.

Comments Related to Proposed § 250.713(a)—Fitness Requirements

Summary of comments: A commenter suggested that, under proposed § 250.713(a), the requirement to provide information demonstrating the unit's capability to perform under the most extreme conditions (including the minimum air gap for the hurricane season) should apply only if appropriate. This commenter noted that dynamically positioned rigs, MODUs and multi-purpose supply vessels typically do not stay on location during hurricane season.

Another commenter stated that the requirement to collect and submit environmental data to the District Manager after an APD/APM is approved would not benefit the MODU or lift boat that is already on location under the approved permit and that is collecting the data, and the MODU or lift boat could be at risk if it were truly "unsuitable" for the site conditions where it is gathering the data. The commenter recommended that a metocean specialist assess the suitability of the MODU or lift boat for the location, applying conservative environmental criteria. If there is uncertainty in the metocean criteria that cannot be resolved, the environmental data should be gathered before mobilizing a MODU or lift boat to the location.

- *Response:* BSEE agrees that the requirement to submit information on the most extreme environmental conditions that the unit is designed to withstand only requires information regarding the minimum air gap where that is a relevant factor in the unit's design. For example, not all MODUs have or require an air gap (*e.g.*, drillships). However, BSEE does not believe it is necessary to expressly add such a limitation in § 250.713(a), since it is already clearly implied by the language stating that the operator is only required to submit information about the most extreme conditions the "MODU is designed to withstand."

BSEE agrees that environmental data should be gathered before mobilizing a MODU to location, although no change to the regulatory text is required to make that point. The requirements in § 250.713(a) have been in place—in former § 250.417(a)—for years and BSEE is not aware of any problems occurring because a unit was onsite before the data was gathered and submitted. Nor does BSEE believe that it is necessary to require a metocean expert to assess the suitability of the unit for the environmental conditions under this longstanding provision. Furthermore, the District Manager has the authority to revoke approval of the permit if data collected during operations shows the MODU cannot perform at the proposed location. This will help BSEE ensure that the MODU proposed for OCS operations is appropriate for the specific location.

Comments Related to Proposed § 250.713(b)—Foundation Requirements

Summary of comments: One commenter asserted that § 250.713(b)—regarding foundation requirements for MODUs and lift boats—should apply only to bottom-supported MODUs or lift boats, where a loss of foundation is catastrophic, and that BSEE should exclude moored MODUs from this requirement. Another commenter suggested adding text to this section to state that the District Manager may accept lower-bound and upper-bound soil properties, based on regional soil data and developed by a knowledgeable geotechnical engineer, in lieu of the requirement to submit information on site-specific soil conditions.

- *Response:* BSEE agrees with the comment that paragraph (b) should apply only to bottom-founded MODUs. Accordingly, BSEE revised § 250.713(b) to clarify that this provision requires submittal of information showing that site-specific soil and oceanographic conditions are capable of supporting the proposed bottom-founded MODUs. (In addition, as explained later, BSEE has removed lift boats altogether from this section of the final rule.)

However, BSEE does not agree that regional soil data should be allowed in place of site-specific soil data. The purpose of the soil data requirement in § 250.713(b) is to ensure that the foundation at the specific site is actually capable of supporting a bottom-founded MODU, and regional soil data may not be sufficient to demonstrate the suitability of the soil at that particular site.

Comments Related to Proposed § 250.713(c)—Frontier Areas

Summary of comments: One commenter asserted that proposed § 250.713(c) (requiring information about units in frontier areas) and (f) (availability of units for inspection) should not apply to lift boats. The commenter stated that lift boats are classified as offshore support vessels and are regulated by the USCG.

- *Response:* Commenters raised several jurisdictional and technical concerns regarding the applicability of this section to lift boats. For example, some of the information, or access to information, required by this section may not be available or pertinent for some lift boats. Accordingly, BSEE revised the final rule by deleting all references to lift boats in § 250.713.

Comments Related to Proposed § 250.713(e)—Contingency Plans

Summary of comments: Another commenter recommended adding provisions to § 250.713(e), which requires contingency plans for dynamically positioned MODUs to move offsite in emergencies, in order to ensure that the operator has plans to secure the well during planned suspensions.

- *Response:* Requirements for securing a well during any interruption, including suspensions, are adequately covered under final § 250.720. Therefore, no changes to § 250.713(e) are necessary in this regard.

Do I have to develop a dropped objects plan? (§ 250.714)

As provided for in the proposed rule, this new section codifies some of the language from BSEE NTL 2009–G36, *Using Alternate Compliance in Safety Systems for Subsea Production Operations,* and is intended to help avoid prolonged damage to subsea infrastructure and to assist operators and BSEE in responding to a dropped object. This section also requires an operator to develop a dropped objects plan and specifies certain information and procedures that must be included in the plan. This final section is revised from the proposed rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed § 250.714(c)—Modeling a Dropped Object's Path

Summary of comments: One comment on proposed § 250.714(c)—requiring floating rigs in areas with subsea infrastructure to model a dropped object's path—asserted that modeling the path does not significantly reduce the risk associated with a dropped object.

With regard to proposed § 250.714(e)—requiring operators to include in their dropped objects plan "any additional information required by the District Manager"—one commenter recommended that BSEE should limit requests for additional information to "information needed to ensure protection of onsite personnel or the environment." Another commenter asserted that § 250.714(e) is ambiguous and that BSEE should clarify it. Another commenter observed that companies should have simultaneous operations (SIMOPS) procedures in place.

- *Response:* BSEE does not agree that there is no potential benefit to modeling a dropped object's path. With the continuing expansion of subsea infrastructure, BSEE determined that it is important for operators to be aware of, and plan for, the potential impacts of a dropped object. Having a dropped object plan helps increase such awareness and will help operators, and BSEE, to identify impacted infrastructure in order to improve responses to a dropped object.

Section 250.714(e) is intended to give District Managers the necessary flexibility and discretion to require information as needed in specific cases to fulfill the purposes of the regulation. However, BSEE has further clarified final § 250.714(e), by stating that a District Manager may require additional information as appropriate to clarify, update, or evaluate a dropped objects plan. Thus, the District Manager may require additional information regarding dropped objects on a case-by-case basis, based on unique site or well conditions.

BSEE currently does not have enough information about SIMOPS to warrant including such a requirement in this final rule. However, BSEE agrees that SIMOPS may be a tool that operators should consider when multiple operations are being conducted at the same time or in conjunction with each other. If research or studies or other information about SIMOPS become available in the future that warrant further revision of this regulation, BSEE may propose such a revision in a future rulemaking.

Do I need a global positioning system (GPS) for all MODUs? (§ 250.715)

As provided for in the proposed rule, this new section codifies existing BSEE NTL 2013–G01, *Global Positioning System (GPS) for Mobile Offshore Drilling Units (MODUs).* The GPS requirements for MODUs include: Providing a reliable means to monitor and track the unit's position and path in real-time if the unit moves from its location during a severe storm; installing and protecting the GPS equipment to minimize the risk of the system being disabled; having the capability of transmitting data for at least 7 days after a storm has passed; and providing BSEE with real-time access to the unit's GPS location data. This final section is revised from the proposed rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed § 250.715—Terminology

Summary of comments: A commenter raised concern about apparent inconsistencies in the use of terminology related to rigs in this section. The commenter pointed out that in the proposed rule this section referred to "MODUs and jack-ups," "jack-up and moored MODUs," "moored MODU or jack-up," and "Rig/facility/platform." In addition, the caption for this section implies that a jack-up is not a MODU.

- *Response:* BSEE agrees that the proposed rule's terminology concerning rigs in this section might cause some confusion. BSEE made some minor changes to this section in the final rule to improve consistency between rig terms. For example, BSEE has revised the title of this section to "Do I need a GPS for all MODUs?" and in final § 250.715(a), we have replaced "jack-up and moored MODU" with "MODU."

Comments Related to Proposed § 250.715—Applicability

Summary of comments: A commenter suggested that this provision should be extended to all MODUs, including dynamically positioned MODUs, rather than just moored MODUs. All MODUs moved from the path of a storm should be tracked for emergencies.

- *Response:* BSEE agrees with the commenter that all MODUs should be tracked during severe storms, as required by § 250.715(e). In any event, as previously stated, BSEE has revised final § 250.715(a) by deleting the word "moored." In addition, to avoid any potential confusion, BSEE revised the title of this section to refer to "all MODUs."

Comments Related to Proposed § 250.715(a)—GPS Monitoring and Tracking

Summary of comments: Another commenter recommended revising proposed § 250.715(a) by removing the phrase "if the moored MODU or jack-up moves from its location during a severe storm."

- *Response:* BSEE does not agree with the commenter's suggestion. The commenter provided no explanation for this recommendation. Operators and BSEE will need the GPS data, and thus all MODUs must possess GPS systems capable of providing such data to track units during severe storm events. Removing the phrase suggested by the commenter would require that the GPS systems also be able to monitor and track the unit when making normal rig moves under routine conditions. Although any GPS system that provides the tracking and monitoring data during a severe storm would be able to provide such data during a normal move, BSEE does not need access to such data and sees no need to require operators to have such a capability. BSEE is particularly concerned about MODUs that lose station-keeping or part moorings during storms. Thus, BSEE slightly revised the first sentence in this section to clarify that BSEE must have real-time access to GPS data prior to and during each hurricane season, consistent with the language in NTL 2013–G01 that this provision is codifying (see 80 FR 21519).

Well Operations

When and how must I secure a well? (§ 250.720)

As provided for in the proposed rule, this section consolidates requirements from various provisions of the existing regulation regarding how to secure a well whenever operations are interrupted. Paragraph (a) requires that the District Manager be notified when operations are interrupted and provides examples of events that would warrant interruption of operations (*e.g.*, any observed flow outside the well's casing). The requirement to notify the District Manager gives BSEE awareness of interrupted operations and an opportunity for an appropriate response. Paragraph (a) also requires a negative pressure test to ensure wellbore and barrier integrity before removing a subsea BOP stack or surface BOP stack on a mudline suspension well. Paragraph (a)(2) clarifies that if there is not enough time to install the required barriers or other special circumstances occur, the District Manager may approve alternate procedures in accordance with § 250.141. Paragraph (b) of this section requires prior approval by the District Manager for displacement of kill-weight fluid from a wellbore and/or riser and specifies the information that must be included in an APD or APM to seek such approval. This section is unchanged from the proposed rule.

Comments Related to Proposed § 250.720(a)—Testing and Verifying Barriers

Summary of comments: Some commenters recommended that the barriers required by proposed § 250.720(a), when operations are interrupted be tested and verified as effective by an engineer before the BOP is removed. One commenter also recommended that the regulation clearly require that barriers be installed prior to removing a BOP. This commenter asserted that it appears this was intended, but that the regulatory language would benefit from additional clarification, including clarifying that it applies when a BOP is removed but the rig has not yet moved off location.

- *Response:* BSEE does not agree with the suggested changes. It is not necessary to add a requirement to this paragraph for a PE verification of a barrier's effectiveness, given that the barriers must be tested, according to § 250.720(b)(2), to ensure integrity before moving off the well. Nor is any change needed to clarify that the barriers must be installed and tested before moving off location; in fact, § 250.720(a) already expressly requires that two independent barriers must be installed "[b]efore moving off the well," and § 250.720(b) effectively requires that the barriers be tested before removing mud from the riser in preparation for moving off the well.

What are the requirements for pressure testing casing and liners? (§ 250.721)

As provided for in the proposed rule, this section incorporates and revises certain requirements from former §§ 250.423 and 250.425 for pressure testing casing and liners. Among other things, final § 250.721 increases the minimum test pressure specification for conductor casing (excluding subsea wellheads) from 200 psi, as under the former regulations, to 250 psi; requires operators to test each drilling liner and liner-lap before further operations are continued in the well and provides the parameters for such tests; clarifies that the District Manager may approve or require other casing test pressures as appropriate to ensure casing integrity; requires that operators follow additional pressure test procedures when they plan to produce a well that is fully cased and cemented or is an open-hole completion; requires a PE certification of plans to provide a proper seal if there is an unsatisfactory pressure test; and requires a negative pressure test on all wells that use a subsea BOP stack or wells with mudline suspension systems. This final section is revised from the proposed rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed § 250.721—Monitoring and Verification

Summary of comments: A general comment on this section asserted that BSEE should consider improvements to the monitoring and verification of makeup/torqueing of casing/tubular connections, under this section and § 250.423(c). Similarly, another commenter stated that BSEE should focus on ensuring integrity of the casing string and recommended doing so by linking minimum casing test pressure to formation integrity pressure.

- *Response:* BSEE does not agree that these suggested changes are necessary to ensure proper installation of casing and tubing. BSEE already requires a pressure test on the casing seal assembly under former § 250.423(b)(3)—now § 250.423(c)—and submittal to BSEE of both the test procedures and test results, in order to verify the integrity of the casing and connections. There is no need for additional language to confirm these results.

Comments Related to Proposed § 250.721(a) Through (c)—Liner Lap Testing

Summary of comments: Multiple commenters asserted that testing of the liner-lap, as specified in proposed § 250.721(a) through (c), is not possible. The commenters recommended instead that the liner-top be tested to confirm integrity of the casing.

- *Response:* BSEE agrees with the comment that the liner lap cannot be tested as proposed, since the liner-lap will not actually respond to the pressure from such a test, while the liner-top will respond to that pressure. Accordingly, testing of the liner-top is sufficient to demonstrate the integrity of the well, and BSEE has revised final § 250.721(b) and (c) by substituting "liner-top" for "liner-laps" with regard to the testing required to confirm integrity.

Comments Related to Proposed § 250.721(a)—Testing of Surface, Intermediate and Production Casing

Summary of comments: Another commenter stated that under proposed § 250.721(a)(3)—regarding testing of surface, intermediate and production casing—BSEE should allow operators to test the casing to either 70 percent of the casing's minimum internal yield pressure (as proposed) or to MAWHP plus 500 psi, in order to avoid putting unnecessary loads on the casing or cement.

A commenter claimed that there is no engineering basis for the requirement in proposed § 250.721(b) to test formation integrity at the liner shoe, if the liner will not be exposed to that amount of pressure. The commenter claimed, for example, that casing shoes set in salt are not exposed to such pressures.

- *Response:* BSEE does not agree that the suggested changes are needed or appropriate. The requirement for testing casing to 70 percent of its minimum internal yield pressure is a longstanding requirement, formerly in § 250.423(a)(3), and BSEE is not aware of any significant problems or concerns with testing to that limit. If an operator has any concerns with the testing procedures in a specific case, however, the operator may request, and the District Manager may approve, other casing test pressures on a case-by-case basis under § 250.721(d).

For the same reasons, BSEE does not agree that the suggested changes to § 250.721(b) are warranted. That testing requirement has been in place for many years (formerly in § 250.425(a) and (b)) and BSEE is not aware of industry raising any concerns with implementing that requirement. In any event, any operator that wants to seek approval of an alternative test pressure under § 250.721(d) in a specific case may do so.

Comments Related to Proposed § 250.721(e)

Summary of comments: A commenter raised concerns about proposed § 250.721(e)—regarding pressure testing for a well that is planned for production—stating that the proposed language to "pressure test the entire well to maximum anticipated shut-in tubing pressure" is not clearly defined. The commenter asserted that the text is not clear as to whether the "anticipated shut-in tubing pressure" is the pressure with a full column of hydrocarbons or the pressure after perforating with an underbalanced fluid. The commenter claimed that this ambiguity would make implementing this requirement problematic when the fluid in the well at the time of pressure testing is of a different density than the planned completion fluid. The commenter described various risks associated with this situation and suggested that BSEE clarify that the testing pressure must not "exceed 70 percent of the burst rating limit of the weakest component."

Another commenter stated that the existing regulations on testing (§ 250.423) are fit-for purpose, and that industry's long standing practice to test casing to maximum values only with a technical reason for doing so is sufficient. The commenter stated that testing to maximum anticipated shut-in tubing pressure may do unnecessary harm to the cement integrity.

- *Response:* BSEE agrees that continually pressure testing to the maximum anticipated shut-in tubing pressure may put additional stresses on the cement and thus potentially affect cement integrity. Therefore, as suggested by one of the commenters, BSEE has revised final § 250.721(e) by inserting the phrase "but not to exceed 70 percent of the burst rating limit of the weakest component" to help ensure long term cement integrity. In addition, as provided by final § 250.721(d), if an operator has other concerns about casing test pressures, it may seek approval from the District Manager or Regional Supervisor for alternative test pressures on a case-by-case basis.

Comments Related to Proposed § 250.721(f)—Pressure Testing Before Resuming Operations

Summary of comments: One commenter recommended that BSEE should revise § 250.721(f)—requiring pressure testing of a well before resuming operations—to require operators to run pressure tests long enough to stabilize the pressure and to hold a constant pressure for 30 minutes.

- *Response:* BSEE does not agree that holding a constant pressure for 30 minutes is necessary to demonstrate sufficient stability to resume operations. Due to well parameters such as, but not limited to, thermal effects, fluid compressibility, fluid characteristics, and environmental conditions, holding a constant pressure for 30 minutes may not be possible. The proposed requirement that—if the pressure declines more than 10 percent in 30 minutes—the District Manager must approve a PE-certified plan to resolve the pressure issue is sufficient to ensure that the well is fit to be operated.

Comments Related to Proposed § 250.721(g)—Negative Pressure Test

Summary of comments: BSEE received multiple comments on proposed § 250.721(g), which addressed negative pressure testing of wells with subsea BOP stacks or mudline suspension systems. Commenters asserted that the negative pressure tests under § 250.721(g)(1) and (3), should only be required if hydrocarbons are present. Commenters also recommended that § 250.721(g) require two barriers only if hydrocarbons are present.

- *Response:* BSEE disagrees with the comments about testing the barriers only if there are hydrocarbons present. BSEE determined that ensuring barrier integrity and well stability by performing the required tests is important, even if hydrocarbons are not present at the time, because geological conditions (*e.g.,* fluid migration) may exist that could subsequently result in hydrocarbons entering the well if the barriers are not effective. Thus, testing the barriers' effectiveness under such conditions will help ensure that hydrocarbons will not enter the well at a later date.

What are the requirements for prolonged operations in a well? (§ 250.722)

As provided for in the proposed rule, this section consolidates and clarifies various sections of the existing regulations that established requirements for well integrity for operations continuing longer than 30 days from a previous casing or liner test. If well integrity has deteriorated to a level below minimum safety factors, this section requires repairs or installation of additional casing and subsequent pressure testing, as approved by the District Manager. As discussed in the comment responses for this section and in part V.C. of this document, BSEE has revised the language of proposed paragraph (a) in the final rule.

Comments Related to Proposed § 250.722—Introductory Paragraph

Summary of comments: BSEE received a comment on the introductory paragraph of § 250.722, which specifies actions that must be taken if wellbore operations continue more than 30 days after the previous pressure test. The commenter suggested that the introductory text be revised to include "or independent third-party review of the well's casing or liner" as a condition of timing for performing the requirements in this section.

- *Response:* BSEE did not revise this section based on the comment. It is not clear from the comment how the independent third-party would review the well's casing or liner.

Comments Related to Proposed § 250.722(a)—Prolonged Well Operations

Summary of comments: Other commenters raised concerns with proposed § 250.722(a), which requires that operations stop as soon as practicable, and that the operator must: Evaluate the effects of prolonged operations using a pressure test, caliper or imaging tool; and report the results, including calculations showing the well's integrity is above minimal safety factors, to the District Manager. Commenters asserted that calculations that show a well's integrity is above the minimum safety factors cannot be performed for a casing pressure test, and thus recommended revisions to § 250.722(a)(2) to clarify that the report must include calculations showing that the well's integrity is above the minimum safety factors only if an imaging tool or caliper is used.

- *Response:* BSEE agrees with the comment that calculations that show a well's integrity cannot be performed for a casing pressure test. Accordingly, BSEE has revised final § 250.722(a)(2) to say that the report must include calculations that show the well's integrity is above the minimum safety factors if an imaging tool or caliper is used.

What additional safety measures must I take when I conduct operations on a platform that has producing wells or has other hydrocarbon flow? (§ 250.723)

As provided for in the proposed rule, this section consolidates and revises requirements from several former sections (*i.e.,* §§ 250.406, 250.518(b), 250.619(b)) regarding additional safety measures for operations on a platform that has a producing well or other hydrocarbon flow. Among other requirements, this section requires the installation of an emergency shutdown station, for the production system, near the rig operator's console. This provision helps ensure that rig units would be able to shut-in the production system of the host facility. For the reasons discussed in the following comment responses, the final rule makes no changes to the proposed rule in regard to this section.

Comments Related to Proposed § 250.723—Terminology

Summary of comments: A commenter noted that there are apparent inconsistencies in BSEE's use of terms for "rig" in this section. The commenter noted terms used in this section include: "coiled tubing unit," "lift boat," "drill ship," "jackup," "snubbing unit," "wire-line unit," "rig unit," and "MODU." However, the commenter provided no specific suggestions for addressing this issue.

- *Response:* For the reasons stated in response to similar comments on proposed § 250.712, BSEE has determined that no changes to the terminology in this section are necessary.

Comments Related to Proposed § 250.723—Definition of "Platform"

Summary of comments: Another commenter stated that the term "platform," which is mentioned in this section's heading, is not defined in part 250, and that facilities or rigs may be built and operated on gravel islands or installed on bottom-founded offshore structures. The commenter recommended that BSEE develop and add a new definition of "platform," including facilities on gravel islands or bottom-founded structures, to § 250.105.

- *Response:* This comment recommends adding a new provision that was not in the proposed rule, and the commenter did not suggest a specific definition for BSEE to consider. BSEE has decided that it is not appropriate to include such a new definition in this final rule. Various sections of BSEE's current regulations have long used the term "platform" (or similar terms), including former § 250.406, on which final § 250.723 is partially based, and BSEE is unaware of any significant difficulties by regulated entities in understanding that term in connection with that former section. Moreover, since that term is used in somewhat different contexts in different provisions, a single definition of that term might not be suitable for use in every context.[14]

Comments Related to Proposed § 250.723(c)—Lift Boats

Summary of comments: A commenter suggested that BSEE not include lift boats in § 250.723(c)(3), which requires shut-in of producible wells when a MODU or lift boat moves within 500 feet of the platform. The commenter observed that lift boats are self-powered motor vessels, which are more maneuverable than, and not comparable to, a MODU that is towed on location.

- *Response:* BSEE disagrees with the comment about removing lift boats from paragraph (c)(3). Even though a lift boat may be more maneuverable than a MODU, care must still be taken when any large object, such as a lift boat, undertakes any movement near a well with producing hydrocarbons. The risk of a collision or other incident that could trigger a well-control event cannot be eliminated simply because the moving object may be relatively maneuverable.

What are the real-time monitoring requirements? (§ 250.724)

As described in the proposed rule, this new section includes requirements for gathering and monitoring real-time well data. The proposed section has been revised in the final rule as discussed in the comment responses for this section and in part V.B.4 of this document. Proposed paragraph (a) has been revised to clarify that it requires using an independent, automatic, and continuous monitoring system capable of recording, storing, and transmitting data regarding the BOP control system, the well's fluid handling system on the rig, and the well's downhole conditions. Proposed paragraph (b) has been revised to describe some of the required RTM operational capabilities and procedures. Proposed paragraph (c) has been revised to require that an operator develop and implement an RTM plan, to specify certain information that must be included in the plan, and to require that BSEE be provided with access to the plan, and to RTM data, upon request.

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[14] 14 For example, BSEE has already proposed adding a definition of "fixed platform" to § 250.105, for use in connection with proposed amendments to § 250.108. (*See* 80 FR 34113 (June 15, 2015).) While that proposed definition would be appropriate for use under the specific circumstances applicable to the proposed amendments to § 250.108 (*see id.* at 31446), it might not be as appropriate for defining similar terms in other sections.

Comments Related to Proposed § 250.724—Claims That the RTM Requirements are Premature

Summary of comments: Some comments asserted that any RTM rule would be premature until after studies and research on the application of such monitoring and analysis to offshore oil and gas operations is complete. Specifically, some comments suggested that BSEE take no final action on the RTM regulation until after the National Academy of Sciences (NAS) Transportation Research Board completes a study on RTM, commissioned by BSEE, and releases its final report.

- *Response:* RTM is not a novel concept or technology, and it is currently widely used in many industrial applications, including offshore oil and gas development. Several of the industry commenters stated that they already have RTM plans and use RTM systems in their offshore operations, and acknowledged the value of such programs. In addition, based on regular interaction with operators, BSEE is aware that many other operators already use RTM capabilities to monitor certain aspects of their operations. Thus, BSEE does not agree that it is appropriate to delay promulgation of the RTM requirements in this final rule until after the completion of the NAS Report, especially since compliance with the RTM requirements will not be required until three years after publication of the final rule, and the NAS report is currently scheduled to be completed in May 2016. (More information on the NAS study is available at: *http://www.bsee.gov/Technology-and-Research/Technology-Assessment-Programs/Projects/Project-740/*.) BSEE will carefully consider the NAS report when it is issued, and if BSEE concludes that the report warrants any revisions to these final regulations, BSEE may propose such changes in a separate rulemaking.

Comments Related to Proposed § 250.724—Concerns About RTM Transmission

Summary of comments: Some comments raised concerns regarding the possibility that the transmittal of RTM to an onshore location could provide another opportunity for data system attacks, and that this increases the need for more cyber security. In addition, some comments asserted that the proposal would increase problems with data retention and data quality (*e.g.*, availability of bandwidth and upload time), although no specifics were provided in those comments.

- *Response:* Concerns about cyber security, data retention, and data quality have been and will continue to be an issue for all regulatory programs that require electronic transmission or storage of data. However, much rig-based data has long been, and will continue to be, transferred to shore without regard to the proposed RTM requirements and, in many cases, without being required by any regulation. Many effective measures to address cyber security (*e.g.*, access controls, encryption, firewalls, intrusion detection), data retention, and data quality issues are available, and BSEE is confident that the offshore oil and gas industry is aware of and frequently uses such measures. Accordingly, such concerns do not justify foregoing the expected benefits of the RTM requirements of this final rule.

Comments Related to Proposed § 250.724—Concerns About Compliance Timing

Summary of comments: Some comments requested that, in lieu of the proposed requirements, BSEE give operators 5 years from publication of the final rule to address BOPs in RTM plans.

- *Response:* Those comments did not include any specific explanation or support for the requested 5-year period for incorporating BOP RTM data in such RTM plans. BSEE has reviewed the relevant comments and supporting information, and determined that 3 years will provide sufficient time to implement the final RTM requirements for all of the specified data, including data regarding the BOP control system, as proposed. Based upon public comments and prior consultation with industry, BSEE believes that many operators have already implemented some form of RTM for at least some rig equipment and operations (*e.g.*, drilling and fluid handling systems); thus, modifying (if necessary) such existing RTM programs to include the data specified in § 250.724(a), including BOP data, can be reasonably accomplished within 3 years.

Comments Related to Proposed § 250.724(a)—Scope of Data To Be Monitored

Summary of comments: Some comments questioned what was meant by the proposed requirement that the operator's RTM system must be capable of monitoring "all aspects of" the BOP control system, the well's fluid handling system, and the well's downhole conditions with any installed bottom hole assembly tools.

- *Response:* For clarity and to avoid any potential confusion, BSEE deleted the phrase "all aspects of" from final § 250.724(a), which now requires that the RTM system be capable of "recording, storing, labeling, and transmitting data regarding" the "BOP control system data . . .," the "well's fluid handling system . . .," and the "well's downhole conditions . . . ."

Comments Related to Proposed § 250.724(b)—Concerns About RTM and Decision-Making

Summary of comments: Many commenters asserted that the proposed RTM requirements would lead to an erosion of authority of, or shifting operational decision-making away from, the rig-site personnel. In particular, some commenters claimed that the requirement in proposed § 250.724(b)(4) that RTM data be "immediately transmitted" to onshore personnel who must be in "continuous contact" with rig personnel implied that BSEE expected onshore personnel to be able to override rig personnel in making key operational decisions based on the RTM data. The commenters asserted that such intervention could be detrimental to the rig personnel's performance of their operational duties, as well as their sense of accountability, and thus could actually inhibit their responses to unusual data and otherwise degrade safety and environmental protection.

- *Response:* The proposed rule did not intend to, and the final rule does not, contribute to an erosion of authority of, or shifting of operational decision-making away from, the rig-site personnel. The proposed requirement was intended only to ensure that RTM data is transmitted onshore and that onshore personnel who have the ability to monitor the data and contact rig personnel in the event that unusual data warrants discussion with and potential evaluation by rig personnel. (See 80 FR 21520.) BSEE intended the proposed rule to ensure that onshore personnel could serve as "another set of eyes" to monitor the data and potentially to assist rig personnel in performing their duties, but not to override the key onsite decision makers or interfere with rig personnel performing their onsite duties.

However, to avoid any confusion in this regard, BSEE has revised final § 250.724(b) to address the commenters' concerns, while staying true to BSEE's original intent. In particular, we have replaced the proposed requirement to "immediately transmit" the RTM data to the onshore location with a requirement to transmit these data as they are gathered, barring unforeseeable or unpreventable interruptions in transmission. In addition, we have replaced the proposed reference to onshore personnel "who must be in continuous contact with rig personnel" with a new sentence requiring that "[o]nshore personnel who monitor real-time data must have the capability to contact rig personnel during operations."

Comments Related to Proposed § 250.724(b)—Concerns About RTM Interruptions

Summary of comments: A commenter suggested that the proposed requirement in § 250.724(b) regarding communications (continuous contact) between rig personnel and onshore personnel would result in a shutdown of operations at the rig in the event of any interruption, no matter how brief or inconsequential, to onshore-rig communications. The commenter asserted that such shutdowns, and subsequent restarting of operations, would be extremely costly and would create additional risks of malfunction during the shutdowns without any corresponding benefits. Another commenter also suggested that loss of RTM transmission to onshore should not result in a shutdown under proposed § 250.724(c).

- *Response:* Nothing in the proposed rule suggested that an operator must automatically shutdown, or that BSEE would necessarily order a shutdown of operations due to any break, no matter how minor, in transmittal of RTM data onshore or in communications between onshore and rig personnel. However, although these concerns were not supported by the proposed regulatory text, they are addressed by the revisions in this final rule to §§ 250.724(b) and 250.724(c). As already discussed, BSEE has revised final § 250.724(b) to require that operators transmit the RTM data as they are gathered, barring unforeseeable or unpreventable interruptions in transmission, and that operators have the capability to monitor the data onshore, using qualified personnel in accordance with an RTM plan, as provided in final paragraph (c). Finally, onshore personnel who monitor real-time data must have the capability to contact rig personnel during operations.

In addition, as discussed elsewhere in this document, BSEE has revised final § 250.724(c) and removed the language that would have authorized the District Manager to require other measures during a loss of RTM capabilities. These revisions eliminate the language that the commenters perceived could have required shutdowns.

Comments Related to Proposed § 250.724(c)—Concerns About Notifying BSEE

Summary of comments: Various commenters raised concerns about the practicality of the requirement in proposed § 250.724(c) to immediately notify the District Manager if RTM capability is lost. Commenters pointed out that there will be brief losses in monitoring capability from time-to-time, which are expected and unavoidable. However, the operators and the District Managers could be inundated with notifications for very short interruptions that are insignificant and have no potential consequences.

- *Response:* BSEE did not intend the proposed rule to require notifications for every loss of RTM capability, no matter how brief or insignificant the interruption might be. BSEE agrees with the commenters that it would be impractical and an unnecessary burden for operators and the District Managers if immediate notifications were required for every minor interruption. Accordingly, BSEE has removed the proposed requirement to immediately notify the District Manager every time RTM is interrupted from the final rule. However, BSEE still expects to be informed when there is a significant or prolonged loss of RTM capability as outlined in the RTM plan, that potentially could increase the risk of a well-control event. Thus, as described in more detail elsewhere, BSEE has added a provision to the final rule, at § 250.724(c), requiring operators to develop an RTM plan that includes a description of how the operator will notify the District Manager when such a loss occurs.

Comments Related to Proposed § 250.724(c)—Requests To Delete RTM Requirements and/or Require RTM Plans

Summary of comments: Several commenters requested that BSEE delete the proposed RTM requirements from the final rule. Some of those commenters also suggested that, if BSEE did not delete RTM altogether, it should replace at least some of the prescriptive RTM requirements with a performance-based requirement for operators to develop their own RTM plans (similar to the safety and environmental management system—SEMS—plans required by BSEE regulations), which would be available to BSEE upon request. Some other commenters, who did not expressly urge BSEE to require RTM plans, nonetheless relied on the existence of their own RTM plans to justify their recommendation that BSEE eliminate RTM requirements from the final rule. Some of the commenters who suggested that BSEE require RTM plans also suggested specific issues that should be covered in such RTM plans (*e.g.*, qualifications for onshore personnel; protocols for communications between rig and onshore personnel; protocols for handling interruptions in such communications and in RTM capabilities; location of onshore monitoring facilities), although each plan could be tailored to fit the circumstances applicable to each rig operator.

- *Response:* BSEE agrees with many of the commenters' suggestions regarding the potential advantages of a performance-based RTM plan requirement. In particular, BSEE agrees that requiring rig-specific RTM plans could allow operators to optimize their resources to better focus on areas or issues that need the most attention. Further, the availability of the RTM plans to BSEE would provide extra insight into ways in which RTM can be used to improve safety and environmental protection. In addition, such plans would provide operators with a more flexible, performance-based opportunity to address issues such as what to do when RTM capabilities and communications are interrupted.

Accordingly, BSEE revised the final rule, as requested by some commenters, to include a requirement, in final § 250.724(c), that operators develop and implement RTM plans and make the plans available to BSEE upon request. That provision requires that the RTM plans include certain information, such as:

- ○ Descriptions of how RTM data will be transmitted onshore, and the onshore location(s) where the data will be monitored and stored;
- ○ Procedures for communications between onshore and rig personnel;
- ○ Actions to be taken if such communications or RTM capabilities are lost;
- ○ Procedures for responding to any significant or prolonged interruptions of monitoring or communications; and
- ○ A protocol for notifying BSEE of any significant or prolonged interruptions.

These RTM plan requirements will complement the other RTM requirements in § 250.724(a) and (b).

Comments Related to Proposed § 250.724—Miscellaneous Concerns

Summary of comments: Several comments did not fit into the summaries already discussed. These miscellaneous comments include assertions: (a) That the RTM requirements will not result in increased functionality, reliability and operability of BOPs and that no RTM centers are known to reduce incidents and increase safety; (b) that rig alarms and visual inspection are more effective than RTM; and (c) that the rule requires the gathering of a huge amount of information.

- *Response:* Some of these miscellaneous comments express opinions (*e.g.,* that rig alarms and visual inspection are better than RTM; the RTM requirement will not result in increased functionality, reliability and operability of BOPs), with no supporting facts or explanations and some are largely irrelevant (*i.e.,* this rulemaking does not require operators to establish RTM centers). For the reasons stated in the proposed rule and elsewhere in this document, BSEE expects the use of RTM to improve safety and environmental protection significantly and that such improvements will be seen over time. BSEE understands that the RTM provisions of this final rule will result in more information being gathered, and BSEE took that into account in assessing the potential costs and benefits of this rule under E.O. 12866 and the Paperwork Reduction Act, as discussed in part VIII and in the final RIA. For all of the reasons stated in this document and in the final RIA, BSEE has determined that the benefits of the final RTM requirements, including the value of the RTM information to be collected, are appropriate in relation to the potential costs, including the burdens associated with collecting RTM information.

Blowout Preventer (BOP) System Requirements

What are the general requirements for BOP systems and system components? (§ 250.730)

As provided for in the proposed rule, this section consolidates and revises requirements from several sections of the existing regulations for design, fabrication, installation, maintenance, inspection, repair, testing and use of BOP systems and BOP components. Among other things, paragraph (a) of final § 250.730 requires compliance with relevant provisions of API Standard 53 and several related industry standards and adds a performance-based requirement that the BOP system be able to meet anticipated well conditions and still be able to seal the well. Paragraph (b) requires that operators ensure that design, fabrication, maintenance, and repair of the BOP system is done pursuant to the requirements contained in part 250, OEM recommendations (unless otherwise directed by BSEE), and recognized engineering practices. Paragraph (c) requires operators to use failure reporting procedures consistent with specified industry standards and to report failures to BSEE. Paragraph (d) requires that if an operator uses a BOP stack manufactured after the effective date of this rule, that BOP stack must have been manufactured in accordance with API Spec. Q1. Proposed § 250.730 has been revised in the final rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed § 250.730(a)—BOP Design, Installation, and Maintenance

Summary of comments: In response to the language in proposed § 250.730(a) that operators "must design, install, maintain, inspect and use" BOP system components, several commenters pointed out that operators do not design, install, or maintain BOP systems. Typically, drilling contractors select and obtain the equipment from OEMs and have the BOP stack built to order in accordance with API Standard 53. These commenters recommended revising this section to replace "design" with "ensure" or "select."

- *Response:* Although the requirements in § 250.730(a) have long been in place under existing regulations (former § 250.440), BSEE agrees with the comment that operators do not usually design, install, or maintain the BOP systems. Therefore, BSEE has revised final § 250.730(a), as suggested by commenters, to state that lessees/operators must ensure that the BOP system and system components are designed, installed, maintained, inspected, tested, and used properly to ensure well control. This change addresses the commenters' concern, while clarifying that the lessee or operator retains overall responsibility for ensuring the BOP system's proper, design, installation, maintenance, inspection, testing and use.

Comments Related to Proposed § 250.730(a)—BOP Design Responsibility

Summary of Comments: Some comments asserted that the requirements in proposed § 250.730(a) would implicitly impose QA/QC and oversight responsibilities for BOP equipment on lessees/operators that are infeasible, given that the design, manufacturing and testing of such equipment are completed before the contracts between the lessees/operators and drilling contractors are in place.

- *Response:* As explained in the previous response, BSEE has revised final § 250.730(a) to require that the operators "ensure" that the equipment is designed, installed, maintained, etc., to ensure well control. To the extent that drilling contractors actually perform those activities, the contractors will be jointly and severally responsible for compliance with this provision.

Comments Related to Proposed § 250.730(a)—MASP

Summary of comments: Some commenters recommended that BSEE change the reference to "MASP" in proposed § 250.730(a) (*i.e.,* that the working pressure rating of each BOP component exceed the applicable MASP) to "maximum anticipated wellhead pressure" ("MAWHP"). They asserted that there is no industry agreed-upon definition of "MASP," but that MAWHP is defined in API Standard 53.

- *Response:* BSEE does not agree that the recommended change is necessary. As a practical matter, for surface BOPs, the MASP is the same as the MAWHP; and for subsea BOPs, the MASP, when taken at the mudline as required by § 250.730(a), is also the same as the MAWHP. BSEE does not agree that use of "MASP" will cause any confusion. BSEE's existing regulations (*e.g.,* former § 250.448(b)), have long used the term "MASP," and BSEE does not believe that the industry will have any difficulty in understanding the meaning and use of that term in this rule.

Comments Related to Proposed § 250.730(a)—Annular BOPs

Summary of comments: Several commenters also stressed that annular BOPs capable of meeting the specified pressure rating for "each BOP component" under proposed § 250.730(a) are not currently available and are not considered technologically feasible in the near term. They suggested that BSEE clarify that this proposed requirement applies only to lower stack components (including and below the uppermost ram) and that components above the uppermost ram (*e.g.,* annular and LMRP or riser connect) should be excluded. Another commenter suggested excluding annular BOPs that comply with § 250.738(g), which sets procedural requirements for annular BOPs with rated working pressures (RWPs) lower than anticipated surface pressure.

- *Response:* BSEE agrees that annulars may not be able to meet the MASP requirements. BSEE is aware that the current design for annulars does not match the pressure rating for large ram preventers greater than 10,000 psi.

Annulars are typically used with wellbore pressures less than MASP. An annular does not have any locking mechanisms to keep it closed, as do pipe rams and blind shear rams, and it will relax and not seal if the hydraulic pressure is lost. Thus, a single annular is not commonly used for well-control purposes; rather, annulars are commonly used in conjunction with other MASP-rated components, such as pipe rams or blind shear rams, that can seal the well under MASP. Therefore, excluding annulars from the MASP pressure rating requirement will not decrease safety. Accordingly, we have revised final § 250.730(a) to exclude annulars from the requirement that working pressure rating exceed MASP.

Comments Related to Proposed § 250.730(a)—Flowing Conditions

Summary of comments: Various commenters raised issues regarding the requirement in proposed § 250.730(a) that each ram (except casing shears/supershears) must be capable of closing and sealing the wellbore at all times, including under flowing conditions. Some commenters viewed the proposed language as requiring each ram to be assessed against an absolute worst-case event (*i.e.,* any conceivable flowing conditions), and that it is not realistic to expect a drilling BOP ram to close and seal on a high flow-rate well stream. Some comments asserted that the ability to test to such extreme worst-case conditions does not exist. Various comments asserted that the actual goal of the regulation should be for the BOP system as a whole (including both annulars and rams) to reliably shut-in the well under "reasonably anticipated" or "anticipated" flowing conditions. Multiple commenters emphasized that the industry has demonstrated the capability to successfully seal the wellbore under a variety of anticipated flowing conditions (with flow checks using an annular BOP). Some commenters, however, claimed there are currently no criteria for determining anticipated flowing conditions; while other comments suggested that anticipated flowing conditions should be defined by the OEM.

Multiple commenters, therefore, asked BSEE to clarify the conditions that the equipment must be designed to meet, while other commenters specifically asked BSEE to require that the anticipated flowing conditions be defined in the APD for the specific operation and well conditions.

- *Response:* BSEE recognizes that a single ram may not be capable of closing and sealing the wellbore at all times under all possible flowing conditions. BSEE is also aware that testing an individual ram component under all possible well conditions is not feasible with current testing mechanisms. Accordingly, BSEE has revised final § 250.730(a) to clarify that the BOP system, not each ram, must be capable of closing and sealing the wellbore at all times under ". . . anticipated flowing conditions for the specific well conditions . . . ." If an operator has any questions about the anticipated flowing conditions in any specific case, it may request assistance from the District Manager.

Comments Related to Proposed § 250.730(a)—Concerns About Compliance Date

Summary of comments: Commenters also raised concerns that implementation of proposed § 250.730 would be required within 90 days of publication of the final rule. They asserted that BOPs available today are not designed to close and seal under the worst-case flowing conditions that the commenters assumed the rule would require. Similarly, various commenters stated that BSEE has not defined testing parameters and protocols necessary to meet such scenarios. Thus, multiple commenters requested that BSEE significantly extend the proposed 90-day implementation period in order to provide time for manufacturers to develop new BOPs and for drillers to purchase and install such new designs.

- *Response:* In light of the revisions to final § 250.730(a) previously described (*i.e,* the deletion of the requirement for each ram to close and seal, and the insertion of "anticipated" before "flowing conditions"), BSEE is not changing the compliance date for requiring that BOP systems have the capability to close and seal the well. BSEE is aware, and several industry commenters have stated, that industry has already demonstrated that reasonably available existing BOP systems are capable of successfully closing and sealing the wellbore under a variety of flowing conditions under the existing BOP regulations (former § 250.440). Given the changes to the final rule language, and industry commenters' acknowledgment of their ability to comply with the similar requirements under the existing regulations, BSEE does not anticipate that industry will need to make any significant changes to its current or planned BOP systems to comply with the final rule.

Comments Related to Proposed § 250.730(a)(2)—Normative References

Summary of comments: In general, some industry commenters did not support the incorporation by reference of the additional standards associated with API Standard 53, as listed in proposed § 250.730(a)(2), since those listed standards are merely normative references in API Standard 53. These associated documents are manufacturing specifications, and since they are already referenced in API Standard 53, the commenters stated that it is redundant to also reference them in the regulations. Several major industry commenters requested that, if BSEE does reference these documents in the regulations, then it should clarify that only the relevant provisions of those documents are required to be complied with.

- *Response:* BSEE recognizes that the industry standards listed in § 250.730(a)(2) are normative references within API Standard 53. BSEE is including the standards in the regulations, however, because they provide certain relevant specifications for BOP system components, and are important to compliance with API Standard 53 itself. As requested by industry commenters, however, BSEE has revised final § 250.730(a)(2) to clarify that the BOP system must meet those provisions of the listed industry standards that apply to BOP systems.

Comments Related to Proposed § 250.730(a)(2)—Standards—Current Editions

Summary of comments: Other commenters stated that the additional standards listed in proposed § 250.730(a)(2) are outdated equipment manufacturing standards, and that incorporating a specific outdated edition renders equipment manufactured prior to the standard, or manufactured to earlier versions of the standard, obsolete. They asserted that incorporating only API Standard 53, which includes updated normative references, and deleting the outdated standards listed in paragraph (a)(2), would resolve this issue. Alternatively, some commenters suggested that the regulation should allow equipment to be used if it complies with the editions of API Standard 53 and the associated standards that were in effect at the time the equipment was manufactured.

A commenter also noted that there are significant misalignments between API Standard 53 and the current versions of most of these associated standards (*e.g.,* accumulator capacity requirements), which would make it impossible to comply with API Standard 53 and these associated standards. The commenter also noted that API Standard 53 and these associated standards are currently being revised, and that the API committees working on the new editions are aware of these misalignment issues.

- *Response:* Whenever BSEE incorporates a standard by reference in the regulations, it must incorporate a specific edition of the standard (*see* 1 CFR part 51), and compliance is then required with the incorporated standard. BSEE proposed to incorporate the most recent (Fourth) edition of API Standard 53, which refers to the other standards but which—in contrast to Federal regulations—does not specify the edition of those other standards to which it refers. Some of the associated standards incorporated by reference in § 250.730(a)(2) are the current versions (*e.g.*, API Spec. 16A and API Spec. 16D); other standards have been updated and new editions adopted by industry since BSEE developed and issued the proposed rule. BSEE understands the industry is also working to update some of the current standards. BSEE will evaluate any new editions of the standards as they are finalized by industry. If BSEE determines that any such revised standards are appropriate for incorporation in this regulation, BSEE may do so in a separate rulemaking. In addition, as previously discussed, an operator that wishes to use equipment manufactured to a more recent edition of the incorporated standard, may ask for approval to do so in accordance with § 250.198(c) and § 250.141 or § 250.142.

Comments Related to Proposed § 250.730(a)(3)—Pipe and Variable Bore Rams (VBRs)

Summary of comments: Commenters raised concerns that the proposed requirement in § 250.730(a)(3) (*i.e.*, that pipe rams and VBRs be able to close and seal any drill pipe, workstring and tubing) is not achievable for tubing with control lines, electric cable, and flat packs. Commenters asserted that the interstices between the tubular and these ancillary lines become leak paths when the pipe or VBRs are closed around the tubing arrangement. In addition, some commenters stated that the proposed requirement would be redundant with existing dual barrier systems (including annulars), and thus would provide negligible additional improvements to safe operations. Commenters recommended that tubing with such exterior lines be excluded from the proposed requirement. If the requested exclusion from the proposed requirement is not adopted, some commenters suggested that BSEE revise the rule to allow alternative control measures based on risk assessments.

- *Response:* BSEE agrees with the comments about pipe rams and VBRs not being able to close and seal around tubing with exterior control lines and flat packs. An annular is the only BOP component currently able to seal around tubing with exterior control lines and is only used for a low pressure situation, which is usually the case when running tubing with exterior control lines. Accordingly, BSEE has revised final § 250.730(a)(3) to clarify that pipe rams and VBRs are not required to be able to close and seal around tubing with exterior control lines and flat packs. In addition, BSEE has determined that this exclusion will not have significant safety or environmental consequences since §§ 250.733(a) and 250.734(a)(1)(ii) will require that the shear rams be able to cut and seal tubing with exterior control lines in the hole.

Comments Related to Proposed § 250.730(a)(3)—Claimed Conflicts With API Standard 53

Summary of comments: Commenters requested clarification regarding the requirement in proposed § 250.730(a)(3) that the pipe rams and VBRs be able to close and seal the tubing using the "proposed regulator settings" of the BOP system. The commenters claimed that this language potentially conflicts with API Standard 53. The commenters also suggested that the reference to "regulator settings" should be removed from this provision because such settings are part of the BOP control system described in § 250.730(a).

- *Response:* This regulation does not prescribe any specific requirements for regulator settings. BSEE requires only that the regulator settings function as designed or as specified in the APD submitted to and approved by BSEE. Therefore, BSEE does not believe that this provision will cause any conflict or confusion for operators, including with respect to API Standard 53, and thus no change or further clarification is necessary.

Comments Related to Proposed § 250.730(a)(4)—Approval of BOP Changes

Summary of comments: With regard to proposed § 250.730(a)(4), requiring that operations be suspended pending BSEE approval of any changes to the BOP or control systems that would alter previously approved schematic drawings—some commenters observed that any changes to the BOP stack or control system would be made between wells. Thus, any changes to the drawings and equipment would be included in the APD for the next well. Those commenters recommended deleting that portion of § 250.730(a)(4) that would require such suspensions.

- *Response:* BSEE disagrees with the comment's suggestion that changes would always be made between wells. BSEE understands that this is usually the case; however, there are circumstances where repairs and modifications to the BOP or control system are made at other times and not necessarily between wells. Thus, there is no reason to revise this provision.

Comments Related to Proposed § 250.730(a)(4)—Schematic Drawings

Summary of comments: A commenter recommended that BSEE clarify § 250.730(a)(4) to specify that the schematic drawings required for the BOP and its control system be the same drawings listed in § 250.731(b)(1) through (10).

- *Response:* No changes to the proposed paragraph (a)(4) are necessary. Under final § 250.730(a)(4), schematic drawings may include other schematics (such as those required under § 250.737(d)(12)) that are not listed in § 250.731(b)(1) through (10).

Comments Related to Proposed § 250.730(b)—Lowest Level Practicable

Summary of comments: A commenter recommended that BSEE revise the first sentence in proposed § 250.730(b) to require that the design, fabrication, maintenance, and repair of BOP systems reduce risks to the lowest level practicable instead of "according to the requirements of this subpart, OEM recommendations, . . . and recognized engineering practices" as proposed by BSEE.

- *Response:* The requested changes are not necessary. BSEE expects these types of activities to utilize recognized engineering practices that reduce risks to the lowest level practicable, as already required by existing § 250.107(a)(3).

Comments Related to Proposed § 250.730(b)—BOP Design and Fabrication

Summary of comments: Other comments stated that operators do not design and fabricate the BOP systems; they select the equipment based upon their specifications and capabilities. Accordingly, commenters suggested that BSEE should revise the text, replacing "design, fabricate, maintain, and repair" with "select, maintain, and repair."

- *Response:* BSEE agrees with the comments that operators do not usually design and fabricate the BOP systems. Therefore, BSEE revised this paragraph in the final rule to state that an operator must ensure that the design, fabrication, maintenance, and repair of its BOP system is in accordance with the requirements contained in the part. This change will help clarify that the lessee or operator is responsible for ensuring the BOP system's proper, design, installation, maintenance, inspection, testing and use even if it does not design and fabricate the BOP system.

Comments Related to Proposed § 250.730(b)—BOP Repair and Maintenance

Summary of comments: A commenter suggested that repair and maintenance should be carried out in accordance with OEM specifications and maintenance manuals and the equipment owner's planned maintenance procedures. Additionally, a commenter advised that the OEM's recommendations for repair and maintenance should include the quantity and quality of parts that the owner or operator subsequently uses.

- *Response:* The suggested changes are unnecessary. As previously discussed, the lessee or operator is responsible for ensuring that the BOP system is designed, repaired and maintained in accordance with the requirements of this final rule, which includes ensuring that the BOP equipment is suitable for the conditions under which it will be used (*see, e.g.,* § 250.731), as well as with any OEM recommendations, which would include OEM specifications and maintenance.

As to the second comment, BSEE expects the equipment to operate as designed and to be used under the conditions for which it was designed. However, the commenter's suggestion that OEMs should include the quantity and quality of parts subsequently used by the operator in the OEMs' recommendations for repair and maintenance is beyond the scope of this rulemaking, which addresses requirements that must be met by operators.

Comments Related to Proposed § 250.730(b)—Recognized Engineering Practices

Summary of comments: Commenters recommended that the phrase "recognized engineering practices" be removed since the phrase is vague and undefined.

- *Response:* The recommended deletion is neither necessary nor appropriate. Recognized engineering practices are commonly understood to be found in established codes, industry standards, published peer-reviewed technical reports or industry RPs, and similar documents applicable to engineering, design, fabrication, installation, operation, inspection, repair, and maintenance activities.

Comments Related to Proposed § 250.730(b)—Training of Personnel

Summary of comments: Commenters recommended that BSEE remove the proposed requirements for training of repair and maintenance personnel. Some commenters observed that OEMs do not publish training, qualification, and maintenance recommendations. Others stated that OEM maintenance recommendations are one 'size fits all', since OEMs do not have a clear understanding of how the equipment will be used, maintained or preserved. Commenters emphasized that the equipment owners are responsible for the condition of the equipment and that they should be responsible for defining the skills and training for their maintenance personnel. They also noted that operators are already required to address training as part of their SEMS program under BSEE's SEMS regulations (*see* § 250.1915), and that the equipment owners (*e.g.,* rig contractors) are also establishing training standards for their personnel. One commenter recommended that BSEE should implement an accredited/licensed training program, to be developed by the industry, instead of relying solely on OEMs and recognized engineering practices.

- *Response:* None of the suggested changes are necessary. BSEE agrees that the SEMS training requirements are pertinent to personnel maintaining, inspecting or repairing BOPs, and BSEE added an express reference to those requirements in final § 250.739(d), as discussed elsewhere in this document. However, BSEE does not see any inconsistency between the requirements in § 250.730(b), for training based on OEM recommendations and recognized engineering practices, and BOP-related training as part of the SEMS program and under § 250.739(d). There is no reason why operators' SEMS training programs should not incorporate OEM recommendations and other recognized practices.

In addition, BSEE does not agree that it should require a new training program, whether developed by industry, as suggested by the commenter, or not. Contrary to the commenter's assumption, BSEE is not relying solely on OEM recommendations and recognized engineering practices. As explained previously, the SEMS training requirements apply to BOP-related training, and those requirements should be sufficient without BSEE creating yet another training program.

Comments Related to Proposed § 250.730(b)—Meaning of OEM

Summary of comments: Some comments questioned the meaning of OEM in this provision. They asked if the OEM is the BOP component manufacturer or the suppliers of parts used by the component manufacturer. Commenters suggested that, if the proposed rule implies that service and maintenance personnel must receive training from subcontractors of the OEM, it would not be a workable rule. One commenter suggested that there would be a severe impact on the availability of personnel permitted to carry out maintenance, depending on the definition of OEM.

- *Response:* BSEE does not agree that any definition of OEM is necessary at this time. BSEE expects that where operators have relevant recommendations from manufacturers of individual parts of the BOP system, as well as recommendations from the BOP component manufacturer, they are able to implement both sets of recommendations. Conversely, this regulation does not require operators to follow the recommendations of OEMs, whether manufacturers of BOP components or individual pieces of equipment, if no such recommendations exist. In the event an operator has any questions as to the applicability of any specific OEM recommendation, it may ask the District Manager for assistance.

Comments Related to § 250.730(c)—BOP Failure Reporting Procedures

Summary of comments: A commenter recommended that BSEE add near-miss reporting to failure reporting requirements. Commenters also suggested that BSEE define "failure" and specify the types of failure covered by this provision.

- *Response:* The comment regarding near-miss reporting is outside the scope of this rulemaking and the suggested changes are not necessary or appropriate at this time.[15]

BSEE agrees, however, with the suggestion that a definition of "failure" would clarify the scope and applicability of this provision. Since there are no definitions of "failure" in any of the industry standards (*i.e.,* API Spec. 6A, API Spec. 16A, or API

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[15] BSEE notes, however, that the U.S. Bureau of Transportation Statistics has developed (with BSEE's assistance) a voluntary near-miss reporting system for OCS facilities and operations. More information is available at *www.SafeOCS.gov.*

Standard 53) referenced in this provision, BSEE added a general definition of "failure" in final § 250.730(c)(1).

Comments Related to Proposed § 250.730(c)—Failure Reporting Under API Standard 53

Summary of comments: A commenter asserted that since API Standard 53 covers failure reporting by the owner of the equipment, regulations on this point are not necessary. Since it is covered in API Standard 53, the commenter presumed that a prudent drilling contractor would conduct such follow-up.

- *Response:* BSEE understands that failure reporting requirements are found throughout various voluntary industry standards, several of which are incorporated in this provision. As with any voluntary standard incorporated into BSEE's rules, that incorporation has the intended benefit of making compliance with the standard a regulatory requirement, which promotes consistency across the regulated community. BSEE is also including additional failure reporting requirements in this rule. Such reporting can lead to improved and more reliable equipment.

Comments Related to Proposed § 250.730(c)—Manufacturing Standards

Summary of comments: Some commenters suggested that BSEE only needs to reference API Standard 53 in this section, and that BSEE should remove the references to API Spec. 6A and Spec. 16A. API Standard 53 is an operational document, while API Spec. 6A and API Spec. 16A are manufacturing-related failure reporting methods. Alternatively, BSEE needs to provide guidelines on the intended use for referencing Spec. 6A and Spec. 16A.

- *Response:* No changes to this proposed paragraph related to this comment are necessary. BSEE incorporated the failure reporting requirements from all three of the industry standards in the proposed provision because each standard contains useful reporting procedures that the others do not. In addition, the incorporation of the failure reporting procedures of API Spec. 6A and API Spec. 16C adds value to this provision because those standards apply specifically to equipment that is part of a BOP system. BSEE expects that the failure reporting procedures of all three standards will complement each other. On the other hand, BSEE sees no need to provide guidance on the potential use of API Specs. 6A and 16A at this time. As experience and additional information are gained under this rule, BSEE will both provide guidance and clarification on this rule as necessary, and consider any new information it learns in considering whether any adjustments to the rule may be warranted.

Comments Related to Proposed § 250.730(c)—Failure Database

Summary of comments: Some commenters advised BSEE that a group of drilling contractors have developed a database for reporting BOP failures. These failures are automatically copied to the OEM by the database. According to the commenters, this group plans to implement the failure reporting database industrywide. Within a year or so, according to the commenter, this group may have sufficient data to identify problem areas, to collectively focus on these areas until design and procedure changes are implemented that will make well-control equipment even more reliable.

- *Response:* The commenters recommended no specific changes to the rule or other action by BSEE. In any case, it would not be appropriate for BSEE to take any action now based on a program that may or may not exist in the future. However, BSEE encourages continued proactive evaluation by industry of potential failure mechanisms to enhance safety and environmental protection offshore.

Comments Related to Proposed § 250.730(c)—Written Failure Report

Summary of comments: With regard to proposed § 250.730(c)(1), a commenter suggested replacing the requirement for a "written report" of equipment failure to the manufacturer with "written notification."

- *Response:* BSEE agrees that such a change is appropriate. This requirement is only the first step in the failure reporting process, and a notice at this step is sufficient. A more detailed analysis report of the failure will be provided to the manufacturer, as well as to BSEE, under final § 250.730(c)(2). Accordingly, BSEE has revised final § 250.730(c)(1) to require only a written notice.

Comments Related to Proposed § 250.730(c)—Concerns About Who Should Submit Failure Reports

Summary of comments: Some commenters stated that, since operators do not own the BOP equipment, and are not the primary source of failure data, failure reports should come from the drilling contractors. Therefore, the commenters recommended revising this section to state that the operator must "ensure" that a failure report is provided to the manufacturer.

- *Response:* BSEE does not agree that these suggested changes are necessary. In paragraph (c), BSEE is requiring the operator to provide the notifications and handle the interactions with the manufacturer because operators are responsible for all activities under a lease.

Comments Related to Proposed § 250.730(c)—Failure Investigation and Analysis

Summary of comments: A commenter noted that not every failure warrants a full investigation and suggested replacing "investigation and a failure analysis" in the proposed rule with "investigation and, when required, a failure analysis." According to the commenter, major failures should be discussed with the OEM and an investigation initiated; however, the system would be unsustainable if every (including a minor) failure required investigation by the OEM, a third-party or a combination of both.

- *Response:* BSEE disagrees with the assertion that the failure reporting system would break down if every minor failure required investigation. It is possible that even a so-called "minor" failure could indicate a potentially more serious problem that warrants correction, which would otherwise escape attention, if not for the investigation of the "minor" failure. Since it is not possible to know in advance which seemingly minor failures may lead to a "major" problem, BSEE does not believe that it is appropriate to limit the requirement as suggested.

Comments Related to Proposed § 250.730(c)—Timing of Failure Analysis

Summary of comments: A commenter also suggested that a 60-day window to complete and submit failure analysis findings is not realistic. It often takes 6 months or more for these findings to be obtained and approved. Reporting of the analysis results within 60 days will potentially lead to narrowing the scope or lessening the intensity of the investigation and diminishing its potential value.

- *Response:* The commenter apparently misinterpreted the proposed rule as requiring that the findings of the failure analysis be produced within 60 days, when the proposed requirement actually provided that the investigation and analysis must be initiated within 60 days. Nonetheless, BSEE agrees with the commenter that 60 days may not be sufficient for an effective failure analysis to be performed. However, BSEE does not agree with the commenter's suggestion that 6 months or more may be necessary to produce the findings of such analysis. There is value to concluding the analysis, and providing the results to the manufacturer at a reasonably early date after the failure, so that any necessary follow up actions can be taken sooner, and thus potentially prevent additional related failures from occurring. Accordingly, BSEE has revised final § 250.730(c)(2) by modifying the time for performing a failure analysis to 120 days.

Comments Related to Proposed § 250.730(c)—Failure Occurrence

Summary of comments: A commenter suggested that BSEE revise this section to reflect only failures that occur when the BOP system is in service and not during maintenance periods.

- *Response:* BSEE does not agree that these suggested changes are necessary. In § 250.730(c), BSEE incorporated the failure reporting requirements of 3 industry standards, and those standards provide enough specificity as to when a failure triggers the need for reporting. In any event, a failure may be an indicator of a serious problem requiring investigation and potential follow-up action whenever the failure occurs.

Comments Related to Proposed § 250.730(c)(2)—Analysis Report

Summary of comments: Another commenter recommended that BSEE revise proposed paragraph (c)(2) by changing "copy of the analysis" to "results of the investigation."

- *Response:* BSEE agrees with the substance of this comment and has revised final § 250.730(c)(2) by changing "copy of the analysis" to "copy of the analysis report." This revision will ensure that the results of the analysis, including any recommendations for corrective action, are documented and provided to the manufacturer. BSEE expects that the analysis report will describe the analysis as well as the results, since it is frequently useful to review the analysis to determine the adequacy of the results. For the same reason, BSEE has revised final § 250.730(c)(2) to require that a copy of the analysis report also be provided to BSEE, since it is important that BSEE be aware of the results of failure analyses in order to help BSEE identify potential trends and, if appropriate, make others aware of a potential problem that may require action to prevent similar failures or to improve equipment reliability.

Comments Related to Proposed § 250.730(c)(3)—Questions Concerning Who Must Notify BSEE of Failures

Summary of comments: A commenter requested that BSEE clarify paragraph (c)(3) regarding who is required to notify BSEE of an equipment design change or change in operating or repair procedures; *i.e.,* whether it should be the operator or the contractor (the owner of the equipment involved in the failure.)

- *Response:* Paragraph (c)(3) clearly requires the operator to report the design changes or modified procedures, unless another person covered by the regulatory definition of "you" informs the operator it has done so.

Comments Related to Proposed § 250.730(c)(3)—Submittal of Failure Report to BSEE

Summary of comments: Some comments questioned why the report of equipment changes or procedural changes must be sent to BSEE's headquarters office instead of the District Manager.

- *Response:* BSEE will require that these reports be sent to BSEE headquarters in order to ensure that emerging trends occurring across various Districts and Regions are recognized early and that potentially serious concerns can be addressed in a coordinated and uniform way nationwide.

Comments Related to Proposed § 250.730(d)—Scope of API Spec. Q1 (Quality Control)

Summary of comments: One commenter asserted that the proposed regulation at § 250.730(d) does not clearly define the scope of the requirement to implement API Spec. Q1. The commenter requested that BSEE clarify whether this requirement only applies to complete BOP stacks, or if it also includes any BOP component that is manufactured after the implementation of the rule (*e.g.,* a single BOP ram).

- *Response:* The intent of the provision is that the complete BOP stack must be manufactured pursuant to API Spec. Q1, not the individual components of the BOP system.

Comments Related to Proposed § 250.730(d)—Reference to ISO 17011

Summary of comments: Some commenters suggested that the reference to ISO 17011 is incorrect and that the actual reference should be to ISO 17021. In addition, they suggested that BSEE add ISO 29001 as an optional alternative standard. They also noted that ANSI/API Spec. Q1 8th edition is no longer available from ANSI, and that BSEE should incorporate API Spec. Q1 9th edition, as it is the correct edition. In addition, other commenters asserted that there is no API standard for a BOP stack, and that API Spec. Q1 would apply only to the individual components.

- *Response:* BSEE already incorporates ISO 17011 under §§ 250.1900, 250.1903, 250.1904, and 250.1922 for qualifications of accreditation bodies under SEMS. Incorporating that standard here ensures consistency with the SEMS requirements for quality management systems. Regarding incorporation of ISO 29001 as an optional alternative standard, BSEE generally expects that operators are following the industry developed standards, regardless of whether the standard is incorporated in the regulations. However, when BSEE incorporates a standard in the regulations, compliance with that standard is not optional. An operator may request approval from BSEE to comply with an alternative standard under § 250.141. BSEE recognizes the concerns related to incorporating the most current edition of each standard. The issue of incorporation of a newer edition was addressed in comment-responses under § 250.198. The change to a new edition or removal of a discontinued standard is not automatic and requires rulemaking. Operators may request approval from BSEE to follow a later edition of a standard under § 250.198(a)(1). BSEE recognizes that API Spec. Q1 applies to the manufacture of individual components, however, as previously stated, the intent of the provision is that the complete BOP stack must be manufactured pursuant to API Spec. Q1, not the individual components of the BOP system.

Comments Related to Proposed § 250.730(d)—Applicability of API Spec. Q1 (Quality Control)

Summary of comments: Some comments requested that BSEE clarify this provision since "BOP stacks" are not "manufactured;" *i.e.,* only the components are manufactured. In addition, compliance with the API standard incorporated by reference should be sufficient; there is no need for BSEE to add ISO requirements.

- *Response:* BSEE recognizes that API Spec. Q1 applies to the manufacture of individual components, however, as previously stated, the intent of the provision is that the complete BOP stack must be manufactured pursuant to API Spec. Q1, not the individual components of the BOP system. The incorporation of ISO 17011 ensures the manufacturers of the BOP systems follow the quality management system required by API Spec. Q1.

Comments Related to Proposed § 250.730(d)(1)—Approval of Other Quality Programs

Summary of comments: With regard to the proposed option under § 250.730(d)(1) for seeking BSEE approval for BOP equipment manufactured under some quality program other than API Spec. Q1, a commenter stated that operators are not typically in the business of manufacturing BOPs for their operations. Instead, they typically select a MODU/Rig with a BOP as part of the equipment package. Therefore, these requirements should be placed upon the drilling contractor when applying for their license to operate in the U.S.

Another commenter asserted that proposed § 250.730(d)(1) would allow for potential approval of an alternative quality program (instead of API Spec. Q1) for the manufacture of BOP equipment, but that the path for obtaining such approval does not appear to be available to contractors (unless sponsored by an operator).

- *Response:* Section 250.730(d) is applicable to operators/lessees in the same way that most of the requirements in existing part 250 are applicable. Ultimately, the operator/lessee is responsible for compliance with these requirements. As is common practice under the regulations, however, operators may contract with others for the performance of many of the required actions. In that case, the operator/lessee and the person (contractor) actually performing that activity are jointly and severally responsible for compliance with the applicable requirement. (*See* § 250.146(c).) The actions required by § 250.730(d) are no different.

Comments Related to Proposed § 250.730(d)(1)—Request for Alternative Quality Programs

Summary of comments: Commenters also noted the proposed rule refers to approval of alternatives under § 250.141, which is granted by District Managers and Regional Supervisors, but requires that the request be submitted to the Chief, Office of Offshore Regulatory Programs (OORP). The commenter noted that, even if approval by the Chief of OORP is obtained, the accepted alternative would not appear to be binding on other District Managers or Regional Supervisors.

- *Response:* BSEE agrees with the comment and revised final § 250.730(d) to require operators to send the requests to use an alternative quality assurance program to the Chief of OORP and not to submit the request under § 250.141.

What information must I submit for BOP systems and system components? (§ 250.731)

As provided for in the proposed rule, this section consolidates and revises requirements from various former sections for including BOP information in APDs, APMs or other submittals to BSEE. Among other things, paragraphs (a) and (b) require submission of a complete description and schematic drawings of the BOP system. Paragraph (c) requires submission of a certification by a BAVO: That test data demonstrates the BOP shear ram(s) will shear the drill pipe as required; that the BOP was designed, tested, and maintained to perform under the anticipated maximum environmental and operational conditions; and that the accumulator system has sufficient fluid to operate the BOP system without assistance from the charging system. Paragraph (d) requires additional certification by a BAVO regarding the design and functionality of BOPs used in certain circumstances (*e.g.,* subsea BOPs); while paragraph (e) requires descriptions of the autoshear, deadman, and EDS systems on subsea BOPs. Paragraph (f) requires a certification that the required MIA Report has been submitted within the preceding 12 months. BSEE has revised proposed paragraphs (c) and (d) of this section in the final rule as discussed in the comment responses for this section.[16]

Comments Related to Proposed § 250.731—Concerns About Prescriptive Requirements

Summary of comments: BSEE received a comment stating that this section is overly prescriptive on certain issues, including accumulator sizing, testing, BOP configurations, and QA/QC oversight.

Another commenter claimed that this section would be unnecessary given that effective verification processes are already in place, and that the additional verifications required by this rule would not increase the safety of operations or the reliability of equipment.

- *Response:* BSEE disagrees with the comment that this section is overly prescriptive. The specific information required to be submitted with APDs, APMs and other submissions is necessary to help BSEE make informed decisions in the approval process by providing a clear understanding of the BOP system, equipment and operations. These provisions essentially set performance-based goals for the operators and verifiers, and several of the descriptions of processes and equipment that must be verified are broad enough to allow the persons doing the verification some flexibility to decide whether, under the specific circumstances, it is the equipment or process that should be verified.

BSEE also disagrees with the comment indicating that these verification requirements are unnecessary. BSEE believes that these certification and verification provisions will serve as a useful tool for BSEE and the industry to better ensure—as compared to the current rules and industry practices—that equipment and processes function as intended to protect safety and the environment.

Comments Related to Proposed § 250.731(a)—BOP System Connections

Summary of comments: A commenter noted that § 250.731(a)—requiring descriptions of BOP systems—does not address how the devices along the BOP stack are connected, and that there is no mention of capping or containment points along the BOP stack. The commenter suggests that the BOP system description should address technology that enables better containment and is integrated with that system. Locations along those devices at which containment and capture equipment may be attached should also be included in the system description.

- *Response:* BSEE disagrees with the commenter that capping or containment points should be included in this provision. It is unclear from the comment what devices, technology, and shortcomings the commenter would propose including in § 250.731(a). In any case, source control and containment requirements are adequately covered under final § 250.462, as described elsewhere in this document.

Comments Related to Proposed § 250.731(a)(7) Through (9)—Calculations

Summary of comments: Another commenter observed that the calculations required in paragraphs § 250.731(a)(7) through (9) should demonstrate that there is adequate pressure available to operate each item, especially shear rams. The commenter suggested adding information to the rule that confirms this is the purpose for conducting the calculations, and suggests that the calculations should take into account the actual planned sequence of BOP operation for deadman, autoshear, and any emergency disconnect programmed operations.

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[16] Any information submitted to BSEE should identify any confidential commercial or proprietary information. Any confidential or proprietary information will be protected consistent with the Freedom of Information Act (5 U.S.C. 552) and DOI's implementing regulations (43 CFR part 2); section 26 of OCSLA (43 U.S.C. 1352); 30 CFR 250.197, *Data and information to be made available to the public or for limited inspection;* and 30 CFR part 252, *OCS Oil and Gas Information Program.*

- *Response:* BSEE disagrees with the suggestion that we include the purpose for conducting the calculations, and specifying that the calculations must take into account the planned sequence. BSEE will review the volume and pre-charge accumulator calculations required by paragraphs § 250.731(a)(7) and (9), regardless of sequence, to determine that they are adequate to operate all of the required BOP functions specified in §§ 250.734(a)(3) and 250.735(a) without assistance from the charging system.

Comments Related to Proposed § 250.731(c)—Verification of Shearing Test Data

Summary of comments: Commenters questioned the requirement in proposed paragraph § 250.731(c)(1) for verification of test data on shearing capabilities. Since a test facility to simulate subsea conditions for shear testing does not exist, the requirement for shear testing at water depth implies the BOP is in an environment that simulates the required water depth (instead of on the surface, where shear tests are currently performed). The commenters asserted that there is a risk of damaging equipment when carrying out shearing tests under these conditions. The current industry practice is to apply proven calculation methods to surface shear test data and relevant maximum allowable working pressure conditions. The commenters claimed that if shear tests must be performed under subsea conditions, all of the past shear test data will be irrelevant, and that the time and effort to re-test will likely shut down the GOM for a considerable time. The commenters requested that BSEE revise this requirement to allow supporting engineering calculations instead of test data for shear capability.

Another commenter recommended that the equipment manufacturers should demonstrate shearing capability and provide shearing data instead of operators having to do so.

- *Response:* BSEE agrees that there are technological limitations with testing facilities to simulate subsea conditions. BSEE currently allows, and will continue to allow, operators to use calculations to help verify shearing at water depth. In fact, this provision expressly references final § 250.732, which clearly provides that calculations are used in conjunction with testing to demonstrate that the pipe can be sheared at the well. Therefore, no revision to paragraph § 250.731(c)(1) is warranted.

Comments Related to Proposed § 250.731(c)(2)—Most Extreme Anticipated Conditions

Summary of comments: Most of the comments concerning paragraph § 250.731(c)(2) were related to the requirement for verification that the BOP has been designed, tested and maintained to perform under the "most extreme anticipated conditions." Commenters expressed concerns that the term is undefined and asked whether this phrase refers, for example, to the worst-case discharge or a kick. Commenters also stated that shearing and sealing on flowing wells at worst-case discharge rates is not a typical drilling BOP testing scenario, and the commenters described how testing to verify BOP capabilities is commonly performed. Commenters also pointed out potential hazards from testing for worst-case discharges. Commenters suggested that BSEE's emphasis should be on early detection and correct shut in procedures. A commenter asserted that none of the BOPs currently in use would meet the "most extreme anticipated conditions" requirement, and that OEMs do not qualify BOP components under flowing conditions. Commenters recommended that the requirement should be to "ensure the BOP is designed, tested, and maintained to perform under the anticipated conditions of the well."

- *Response:* As previously discussed, BSEE has revised paragraph § 250.731(c)(2) by replacing "to perform at the most extreme anticipated conditions" with "to perform under the maximum conditions anticipated to occur at the well." This change clarifies this requirement by relying on reasonably predictable, site-specific conditions instead of hypothetical worst-case conditions. In any event, if an operator has any questions about the maximum anticipated conditions in any specific case, it may request assistance from the District Manager.

Comments Related to Proposed § 250.731(c)(3)—Accumulator Systems

Summary of comments: The primary concern raised by commenters regarding paragraph § 250.731(c)(3) was that there appeared to a conflict between the requirement for the accumulator systems, on the one hand, and API Standard 53, as well as the current work industry is undertaking to update the specifications, on the other. Commenters were also concerned that this requirement may impact compliance with API Specs. 16A and 16D. Commenters suggested that BSEE revise this section to require the accumulator system to have sufficient fluid, as defined by § 250.734(a)(3) for subsea accumulators and § 250.735(a) for surface accumulators, to function the BOP system without assistance from the charging system. Other commenters suggested that BSEE revise this provision to refer to the accumulator volume test in API Standard 53.

- *Response:* BSEE does not agree that the suggested changes to paragraph § 250.731(c)(3) are necessary given that, as discussed elsewhere, BSEE has revised the final accumulator requirements of § 250.734(a)(3) for subsea accumulators and § 250.735(a) for surface accumulators to more closely align with API Standard 53. Those revisions are consistent with recommendations made by some of these commenters.

Comments Related to Proposed § 250.731(d)(1)—Verification of BOP Design

Summary of comments: Several of the comments on proposed paragraph § 250.731(d)(1) raised concerns with the requirement for verification that the BOP stack is designed for the specific equipment on the rig and for the specific well design. Commenters asserted that the BOP stacks are not designed for specific equipment; they are selected in consideration of such equipment, which is designed to meet the RWP conditions for the site. Also, BOP stacks are not moved from rig to rig, they are part of the rig equipment and selected to suit the rig design and capabilities. Commenters suggested that BSEE revise this provision to require the BOP stack be suitable for use with the specific equipment on the rig, instead of designed for the equipment.

- *Response:* BSEE does not agree that it is appropriate to remove the reference to "designing" the BOP stack. The commenters appear to be interpreting that term unnecessarily restrictively. BSEE believes that the process described by the commenters for how BOP stacks are put together with regard to the equipment on the rig is effectively what BSEE intended by "designed." BSEE does agree, however, with the commenters that the BOP stack must be suitable for use with the specific equipment on the rig. Accordingly, BSEE has revised final § 250.731(d)(1) by inserting "and suitable" after the word "designed."

Comments Related to Proposed § 250.731(d)—Independent Verification

Summary of comments: A commenter recommended that BSEE revise proposed § 250.731(d) in order to require independent verification of all OCS operations requiring a BOP (rather than just the operations specified in the proposed rule), since the purposes of independent verification are not unique to subsea BOPs, surface BOPs on a floating facility, or BOPs operating in a HPHT environment. The commenter recommended that BSEE revise the rule in this way and then reconsider, after several years, whether the program is working effectively and delivering results, or whether it should be scaled back.

- *Response:* BSEE does not agree that the requested change is appropriate at this time. The verifications required in paragraphs § 250.731(a) through (c) are already applicable to all BOPs. Paragraphs § 250.731(d) through (f) only apply to BOPs used in certain situations because BSEE determined that those situations present higher risks than the other situations in which BOPs are used. The certification and/or verification requirements in paragraphs § 250.731(d) through (f) are specific to the equipment, systems or procedures that are related to such risks. BSEE does not believe those same concerns apply equally to the BOP situations described in paragraphs§ 250.731(a) through (c).

Comments Related to Proposed § 250.731(e)—Subsea BOP Descriptions

Summary of comments: Regarding the proposed requirement in paragraph § 250.731(e) that subsea BOP descriptions include a description of the EDS, commenters recommended that BSEE add "if installed" after "EDS systems."

- *Response:* BSEE does not agree that this change is appropriate. BSEE already recognizes that an EDS system is not installed or necessary on every rig with a subsea BOP, and § 250.731(e) is not intended to require descriptions for EDS systems that are not present and not otherwise required by the regulations (*see* § 250.734(a)(6)).

Comments Related to Proposed § 250.731(f)—MIA Report

Summary of comments: A commenter suggested that the MIA report certification required by § 250.731(f) is equivalent to the certification in the APD. The commenter suggested that the regulation be revised to consider either an MIA or an APD certification submitted within the past 12 months as sufficient. The commenter also asserted that the regulation does not identify who issues the certification.

- *Response:* This comment is vague and unclear. The MIA certification required in paragraph (f) must be included in the applicable APD or APM, but BSEE is not aware of any duplication between this requirement and any other certification requirement. BSEE does not specify who must provide the certification in paragraph § 250.731(f); so any appropriate person acting on behalf of the operator/lessee may do so.

Summary of comments: Many commenters recommended that BSEE revise or delete § 250.731(f) as duplicative or unnecessary and burdensome. Some commenters requested that BSEE clarify whether this certification is required only if an APD has not been submitted in the previous 12 months. Commenters suggest that, if it is in addition to an APD submitted within the prior 12 months, it appears to be an unnecessary time and expense burden.

Other commenters stated that this report is unnecessary, asserting that all of the requested information is already reported in the APD/APM and the BOP and Well Compatibility Certificate.

- *Response:* BSEE does not agree that paragraph § 250.731(f) should be deleted or revised for any of the reasons suggested by the commenters. As required by § 250.731, a certification statement as described in paragraph (f) must be included each time an APD or APM is submitted. Therefore, if multiple APDs/APMs are submitted within a 12 month period, each one must include a certification statement that an MIA Report was completed within the 12 months preceding that APD/APM. However, the regulation does not require that a certification be submitted every 12 months separately from an APD/APM. Nor does it require that an MIA Report be completed or submitted every time an APD or APM is submitted.

In addition, BSEE disagrees that the requested information (*i.e.*, a certification statement regarding completion of an MIA Report) is already required to be submitted with an APD. Section 250.731(f) itself establishes that requirement. BSEE is unaware of any BOP and Well Compatibility certificate, as mentioned by the commenter, that is currently applicable and duplicative of § 250.731(f).

Comments Related to Proposed § 250.731(c) and (d)—BAVOs

Summary of comments: Several commenters highlighted the fact that BAVOs do not currently exist and that BAVOs cannot be "approved" by BSEE until after the effective date of the final rule (*i.e.*, 3 months after publication); therefore, compliance with the proposed § 250.731(c) and (d) certification requirements within 3 months, as proposed, would not be possible. Some commenters claimed this could result in a bottleneck that would effectively become a moratorium on OCS drilling. Given the other demands of the proposed rule, some commenters asserted that 3 years is a more feasible timeline for implementation of this requirement. Other commenters, however, requested that the BAVO certification requirements should not go into effect until 12 months after the initial BAVO list is published.

- *Response:* As previously discussed in part V.C of this document, BSEE has revised the final rule to extend the compliance dates for certain provisions, including those that require the use of a BAVO. Under the final rule, operators' APD will not be required to submit BAVO certifications under § 250.731 until one year from the date when BSEE publishes a list of approved organizations. BSEE anticipates that most of the current independent third-parties currently used by industry could become BAVOs; thus, one year will be sufficient for operators to make use of a BSEE-developed list of BAVOs suitable for this rulemaking.

Summary of comments: A commenter asked if BSEE approval as a verification organization is open for any company that applies.

- *Response:* Any verification organization that seeks approval and submits the information specified in § 250.732(a) to BSEE may be considered by BSEE for approval as a BAVO.

Summary of comments: A commenter suggested that BSEE should allow use of current verification companies whenever a BAVO is not available.

- *Response:* Under § 250.732, BSEE will not require the use of BAVOs until one year after BSEE establishes a BAVO list. After that occurs, there will not be any need to use other verification companies. BSEE expects many existing independent third-parties and verification companies to become BAVOs.

Summary of comments: Some commenters asserted that the requirements to use BAVOs for certification could create conflicts of interest and render the third-party neutrality concept ineffective. That is, if BSEE approves the verification organization, and the operators/contractors are required to hire them, neither BSEE nor the BAVO nor the operators would be independent of each other.

A commenter asserted that BAVOs provide BSEE with selective powers not generally associated with a regulatory organization in a free market system. Commenters recommended that BSEE remove/delete all references to BAVOs due to potential legal implications and restriction of trade.

- *Response:* BSEE disagrees with the suggestion that the BAVO approach will compromise third-party neutrality or effectiveness or is otherwise impermissible. To the contrary, approval of verification organizations by BSEE will ensure that the BAVOs are independent of the parties whose crucial equipment and processes the BAVO will review and evaluate. Other regulatory regimes throughout the world use similar systems.

Summary of comments: Some commenters also asked how BAVOs will work and what specific factual situations BAVOs would or would not be able to certify or verify under §§ 250.731(c) and (d) and 250.732 (*e.g.*, how will a BAVO be able to verify that a stack has not been compromised from previous service?).

- *Response:* These comments seek answers to hypothetical questions about how the rules may be implemented in very specific factual situations. It would be premature and speculative for BSEE to attempt to do so. A BAVO will need to certify or verify the matters specified in §§ 250.731 and 250.732, but those rules do not prescribe exactly how the BAVO must perform those tasks. Rather, the purpose of BSEE evaluating and approving verification organizations to serve as BAVOs is to ensure that they are knowledgeable and capable enough to perform these tasks without BSEE needing to prescribe in great detail how to do so under a very specific factual scenario.

What are the BSEE-approved verification organization (BAVO) requirements for BOP systems and system components? (§ 250.732)

As provided for in the proposed rule, this new section creates a process for BSEE to identify BAVOs and sets out various situations that require verification or a report by a BAVO. Paragraph (a) clarifies that BSEE will develop and maintain a list of BAVOs on its public website, and that compliance with the BAVO-related provisions of the rule will not be required until 1 year after BSEE issues that list. Paragraph (a) also specifies the information (regarding qualifications) that applicants for inclusion on the BAVO list must submit; while paragraph (b) lists the types of actions (*e.g.*, shear testing) for which an operator must submit BAVO verification. Paragraph (c) of this section requires additional BAVO verifications for BOPs and related equipment associated with wells in an HPHT environment. Paragraph (d) requires an operator to submit to BSEE an annual MIA report prepared by a BAVO. These BAVO actions will help BSEE ensure that BOPs will perform as necessary to protect safety and the environment from losses of well control. BSEE has revised certain provisions of the proposed rule in final § 250.732 as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed § 250.732—Existing Quality Control Systems

Summary of Comments: Many comments asserted that operators already have adequate systems in place for quality control (*e.g.*, voluntary compliance with API Spec. Q1 or similar standards), to verify repeatability of testing, and/or to comply with existing requirements under BSEE's regulations for SEMS programs (including a requirement for SEMS program audits). Commenters suggested that these systems adequately address many of the same items subject to BAVO verification under proposed § 250.732, and thus, that BAVO verification of similar issues is unnecessary and overly burdensome.

- *Response:* BSEE does not agree that the BAVO-related requirements of § 250.732 are unnecessary; nor does BSEE agree that those requirements will not provide additional value, to justify the burdens on the operators, compared to existing voluntary industry practices and BSEE's other regulatory requirements. Third-party consultants hired by the operator for quality control, to confirm equipment testing repeatability, or for a SEMS audit do not address the specific BOP and well-control issues required by the present rule. Quality control and equipment testing repeatability are, as stated in the comments, addressed by several voluntary industry standards. While compliance with industry standards that are not incorporated in the regulations is voluntary, the BAVO verifications required by the final rule will document compliance with key regulatory requirements for ensuring that BOPs will perform as needed to protect safety and the environment. For example, the final rule requires verification of shear testing, pressure integrity testing, and related calculations for verifying that the equipment is suitable for the conditions under which it will operate.

In addition, while BSEE appreciates the value of operators' existing quality control programs, including those based on API Spec. Q1 or similar standards, BSEE cannot rely on such voluntary programs to provide the information or assurances that BSEE needs. As explained in the proposed rule, § 250.732 is necessary to ensure that BSEE receives accurate information regarding BOP systems so that BSEE may ensure the system is appropriate for the proposed use. In particular, the verification and documentation of such information by a BAVO would enhance BSEE's review of the information in APDs and APMs. (*See* 80 FR 21509, 21522.) BSEE believes that the importance and complexity of BOP systems warrant a thorough and regular assessment of the systems and verification that design, installation, maintenance, inspection, and repair activities for such systems are documented and traceable. The BAVO-related provisions in § 250.732 will serve this purpose, through independent engineering reviews to ensure that required testing is effective at ensuring the equipment will perform as designed under the conditions to which it will be exposed. (*See* 80 FR 21509.) Voluntary compliance with industry standards alone cannot provide BSEE with such assurances.

Similarly, BSEE believes the SEMS regulations are an important step toward building an offshore safety culture that includes oil and gas companies as well as their employees and contractors, and the SEMS rules will result in substantial safety and environmental protection improvements over time. However, the SEMS requirements are very different from, and serve different purposes than, the BAVO-related requirements. The SEMS regulations focus on creating internal safety and environmental management systems that will foster safety and environmental protection by ensuring that offshore personnel comply with policy and procedures identified in a facility's SEMS plan. The SEMS rules lay out largely performance-based elements that the SEMS plan must address in areas such as hazards management, inspections and maintenance, training, and quality assurance and mechanical integrity of critical equipment. (See § 250.1901.) However, the SEMS rules do not prescribe specific technical requirements that the plans must ensure are met. Nor is BSEE routinely informed of the specific results from actual implementation of the SEMS plan at a rig.

By contrast, BAVO verifications or reports under § 250.732 will provide BSEE with important information regarding, among other things: Actual shearing capabilities (through recognized testing protocols and analyses), and pressure integrity testing (*see* § 250.732(b)); comprehensive review of the BOP system demonstrating the performance and reliability of the equipment; and annual reports by the BAVO on mechanical integrity for BOPs used in certain high risk environments. BSEE needs the information that BAVOs will verify or create in order to ensure that effective and appropriate well-control equipment and procedures are actually in place to prevent or minimize future well-control events. BSEE cannot get that kind of information through operators' voluntary compliance with either industry standards or the SEMS regulations.

However, in response to commenters' suggestions that BSEE allow the continued use of independent third-parties to perform verifications (as required under provisions of the existing regulations that are being replaced by these final rules),[17] and to comments requesting additional time to comply with the BAVO requirements, BSEE has revised § 250.732(a) of the final rule. The revised paragraph will require that an independent third-party, meeting the same criteria as specified in former § 250.416(g)(1), perform the same functions that a BAVO must perform until such time as the operator uses a BAVO to perform those functions (*i.e.*, no later than 1 year after BSEE publishes a list of BAVOs).

Comments Related to Proposed § 250.732(a)—Timing of Compliance With BAVO Requirements

Summary of Comments: Many comments asserted a need for sufficient time to comply with the BAVO-related requirements after BSEE issues a list of BAVOs. Specifically, multiple comments addressed the need for time to select a BAVO and to have the BAVO implement the required verifications. These comments raised essentially the same concerns previously discussed with regard to BAVO certifications as required by § 250.731.

- *Response:* BSEE, as previously explained, has revised the final rule to extend the time required to comply with the requirements to utilize a BAVO until one year after BSEE publishes a list of BAVOs. BSEE has determined that this will provide enough time for operators to select a BAVO and for the BAVO to perform the required verifications. In the interim, for the reasons previously discussed, BSEE has revised final § 250.732(a) to require operators to use an independent third-party to provide the certifications, verifications, and reports that a BAVO must provide after the requirements to use a BAVO become effective.

Comments Related to Proposed § 250.732(a)—General Comments on BAVOs

Summary of Comments: Multiple comments raised the following issues: (a) BSEE is restricting industry's choice of third-parties by requiring use of a BAVO; BSEE should provide industry with the opportunity to comment on the intended detailed work scope for a BAVO; (b) industry must be provided with a means of recourse to BSEE on decisions made by BAVOs where there is a difference of opinion regarding the application or interpretation of a rule or standard; and (c) some of the proposed requirements imply that the BAVO may make recommendations on how to improve the fabrication, installation, operation, maintenance, inspection, and repair of operator equipment.

- *Response:* Concerning the comments on BSEE restricting industry's choice of third-parties by requiring use of a BAVO, BSEE is aware that the requirement to use BAVOs will impose some limits on the choices of third-parties. However, that is an unavoidable feature of any requirement that depends on the use of a third-party having relevant qualifications necessary to perform specific tasks, whether BSEE determines who meets those qualifications or the operators make those decisions themselves. In addition, for the reasons stated in the proposed rule, BSEE determined that it is necessary for each BAVO performing the important safety and environmental tasks specified in §§ 250.731 and 250.732 to be technically qualified, experienced and capable of performing the functions necessary for BSEE and the public, as well as the operators, to be sure that the BOP systems and equipment will function as intended. Therefore, in its oversight role, it is necessary that BSEE make the first decisions as to which third-parties are eligible to be used for these purposes, rather than leaving that decision entirely to the operators whose equipment and processes must be evaluated and verified to be suitable and capable of performing their intended functions.

In any case, BSEE will publish a list of BAVOs so that choices will be available to operators. BSEE expects that there will also be enough listed BAVOs that operators will be able to base their choices between BAVOs on various factors, such as experience, price, availability, and access to appropriate technology. After the initial BAVO list is published, BSEE will continue to evaluate other verification organizations that apply for approval as BAVOs and will refresh or supplement the list from time to time as necessary to ensure that choices continue to be available to operators.

Concerning the suggestion that BSEE should provide industry with the opportunity to comment on the detailed scope of the work that BSEE intends BAVOs to perform, the final rule, in §§ 250.731 and 250.732, provides the scope of the certifications and verifications that BAVOs must perform. As to how a BAVO will perform each specific task for a specific facility, the BAVO and the operator employing the BAVO will work together to determine the precise nature and execution of the work. BSEE expects that the BAVOs and operators will establish these parameters through the contracting process.

Concerning the comments that industry should have a means of recourse to BSEE on decisions made by BAVOs where there is a difference of opinion regarding application or interpretation of a rule or standard, several means exist for BSEE to resolve such differences of opinion. In the first place, BSEE expects the BAVO and the operator to communicate with each other and attempt to resolve any differences of opinion in a mutually acceptable way. However, if necessary, the operator may refer requests for an interpretation of a specific regulation, or a standard incorporated in the regulations, to BSEE for assistance. In addition, if it appears that there is a broader need for an interpretation to guide BAVOs and operators, BSEE will consider issuing a NTL, an Information to Lessees and Operators, or a similar notice of interpretation or guidance, as appropriate.

BSEE disagrees with the comments suggesting that the proposed requirements imply that the BAVO may make recommendations on how to improve the fabrication, installation, repair, etc., of operator equipment. The rule does not state or imply that a BAVO must or should make recommendations to an operator with respect to the equipment. However, BSEE does expect the BAVO process to help, over time, the industry to improve the performance of the equipment and to develop more and better testing protocols. (*See* 80 FR 21509.)

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[17] Former §§ 250.416(e) and (f), 250.515(c) and (d), 250.615(c) and (d), and 250.1705(c) and (d) require verifications of various aspects of drilling, completion, workover and decommissioning operations, respectively. Those requirements are superseded and replaced by the requirements of final § 250.731(c) and (d).

Comments Related to Proposed § 250.732(a)(1) Through (7)—Criteria for BAVOs

Summary of Comments: Multiple comments asserted that the criteria used to evaluate the technical knowledge of the BAVOs must be established in advance and be more detailed than the proposed criteria. A commenter also suggested that industry should be consulted in helping to identify qualified candidates. However, other commenters recommended that the regulation expressly require BAVOs to be independent of equipment manufacturers and operators.

- *Response:* BSEE disagrees with the comments calling for more detailed BAVO criteria. Proposed § 250.732(a)(1) through (6) (renumbered as § 250.732(a)(3)(i) through (vi) in the final rule) specified the criteria that BSEE would apply in evaluating the qualifications, caliber, and technical knowledge of each verification organization before deciding whether it should be approved. The commenters on this issue provided no additional detailed criteria for BSEE to apply in evaluating verification organizations, and BSEE sees no reason to add more criteria at this time.

In addition, BSEE disagrees with the suggestion that industry should be consulted in helping to identify BAVO candidates. As explained in the proposal, the purpose of the BAVO concept is to ensure that BOP equipment is monitored during its lifecycle by an "independent third-party" to verify compliance with the regulations, OEM recommendations, and recognized engineering practices. (*See* 80 FR 21522.) As explained in the proposed rule, a potential BAVO must apply to BSEE for approval, and must submit specific information and documentation demonstrating its qualifications and experience, as provided in § 250.732(a)(1) through (7). (*See* id. at 21510, 21522.) BSEE will then evaluate that specific information to determine whether the verification organization is qualified to carry out the BAVO-related tasks listed in § 250.732(b) through (d) and in other sections. If BSEE determines, based on the information submitted and BSEE's understanding of the specific tasks BAVOs must perform, that an organization is qualified to perform those task, BSEE will add that organization's name to the BAVO list.

Comments Related to Proposed § 250.732(b)(1)(i)—BOP Shearing Tests

Summary of Comments: Multiple commenters raised concerns with the proposed requirement in § 250.732(b)(1)(i) for shearing tests that demonstrate the BOP will shear the drill pipe and any electric-, wire-, and slick-line to be used in the well. They asserted that many rigs do not currently have shearing capability that would conform to that requirement and cannot obtain such equipment within the 3 months provided by the proposed rule for compliance. As a result, many drilling operations could be shutdown. They requested that BSEE extend the requirement for shearing the exterior control lines (*e.g.*, wire-line) to 5 years.

- *Response:* BSEE agrees that more time may be necessary to allow installation on all BOPs of shear rams capable of shearing electric-, wire-, slick-lines to be used in the hole. However, BSEE does not agree that 5 years is necessary for compliance with this requirement. Although 5 years might be appropriate if no technology capable of meeting this requirement existed, BSEE is aware that some technology to meet this requirement already exists (and thus does not need to be newly developed after promulgation of this rule). Nonetheless, BSEE understands that significantly more than 90-days will be needed for all operators to obtain, modify (if necessary to meet specific circumstances), and install the technology. Therefore, BSEE has revised §§ 250.732(b)(1)(i) and 250.734(a)(1)(ii) in the final rule to extend the compliance date for demonstrating that the BOP can shear electric-, wire-, or slick-line until 2 years after publication of the final rule. This extended compliance date will allow sufficient time for operators to acquire and install appropriate equipment without causing any rig downtime.

Comments Related to Proposed § 250.732(b)(1)(ii)—BOP Shearing Tests

Summary of Comments: One comment was received on proposed § 250.732(b)(1)(ii), requiring a demonstration that the operator's shear testing at a facility that meets generally accepted quality assurance standards. The commenter stated that "generally accepted quality assurance standards" needs to be clarified, and recommended that BSEE provide examples of this requirement (*e.g.*, ISO 9001).

- *Response:* BSEE does not believe that revisions to the regulatory text are needed in response to this comment. The proposed language in § 250.732(b)(1)(ii) is intentionally general and performance-based so as to leave operators free to use testing facilities that meet generally accepted quality assurance standards. BSEE believes that operators are capable of identifying such standards, but if future experience under this provision demonstrates that operators need guidance to identify such standards, BSEE may provide appropriate guidance at a later date.

Comments Related to Proposed § 250.732(b)(1)(v)—BOP Shearing Capacity

Summary of Comments: Several commenters requested that BSEE revise proposed § 250.732(b)(1)(v)—regarding demonstration of the shearing capacity of the BOP—to clarify that the demonstration must be specific to the drill pipe to be used in the well.

- *Response:* BSEE disagrees with the suggested change to specify that this requirement applies only to the drill pipe used or to be used in the well, since that point is already stated in § 250.732(b)(1)(i), and the same limitation is implied throughout § 250.732(b)(1).

Comments Related to Proposed § 250.732(b)(1)(vi)—BOP Shearing Test Results

Summary of Comments: Several commenters requested that BSEE revise the proposed requirement in § 250.732(b)(1)(vi) that "all [shear] testing results" be provided to BSEE by changing "all" to "relevant."

- *Response:* BSEE agrees with the commenter and has revised final § 250.732(b)(1)(vi) by replacing "all" testing results with "relevant" testing results. This change will ensure that the testing data provided to BSEE is applicable and relevant to the specific shear testing issues covered by § 250.732(b)(1) and that other, non-relevant testing results, which could cause confusion, are not submitted.

Comments Related to Proposed § 250.732(b)(1)(iv)—Off-Center Pipe Shearing

Summary of Comments: Multiple commenters stated that proposed § 250.732(b)(1)(iv)—regarding off-center pipe shearing—was inconsistent with proposed § 250.734(a)(16), which requires operators to install shear rams that center drill pipe during shearing no later than 7 years from the publication of the final rule. One suggestion was to revise § 250.732(b)(1)(iv) as follows: "Ensures that the test demonstrates off-center pipe shearing capability within the time period referenced in § 250.734(a)(16)(i).”

- *Response:* BSEE disagrees with the comment about the inconsistencies between the compliance timeframes for the two referenced sections. The requirement in § 250.734(a)(16) to center the drill pipe while shearing is important to help increase shearing capabilities and ensure effective shearing in an emergency. However, as discussed elsewhere, BSEE has determined that additional time is needed for such technology to continue to be developed, produced, acquired and installed, and thus proposed 7 years as a reasonable time to comply with that requirement. (*See* 80 FR 21510.) By contrast, the technology to perform off-center shearing is already in widespread use, and there is no reason to postpone the adoption of the testing requirements for that technology.

Comments Related to Proposed § 250.732(b)(1)(iii)—Shear Test Documentation

Summary of Comments: Several commenters stated that the requirement of § 250.732(b)(1)(iii)—for documenting that the shear testing provides a reasonable representation of field applications—should be in accordance with current industry standards only. This includes shearing the drill pipe with zero wellbore pressure and zero tension. The commenter asserted that there is a safety risk when shearing a drill pipe in the lab with high pressure in the wellbore and flowing conditions.

- *Response:* BSEE does not agree with the commenter that a change is necessary to § 250.732(b)(1)(iii). BSEE understands that the technological capabilities of shear testing are limited; however, BSEE also recognizes that advancements have been made to improve testing capabilities to better simulate field applications. Therefore, BSEE has not made any changes to this paragraph. BSEE expects all shear testing to be done in a safe manner to ensure personnel safety.

Comments Related to Proposed § 250.732(b)(2)(ii)—Pressure Integrity Testing

Summary of Comments: Several commenters stated that the proposed requirement in § 250.732(b)(2)(ii) that pressure integrity testing demonstrate that the equipment will seal at the RWP of the BOP pressure, should be revised because it could create potential confusion. One commenter also said that the test pressure should be MASP/MAWHP, or the RWP of the sealing preventer above the uppermost shear ram, whichever is lower.

- *Response:* BSEE disagrees with the comment that this paragraph is unclear or confusing as written. BSEE also disagrees with the recommended changes to this provision. The testing described in § 250.732(b)(2)(ii) is performed at a testing facility, while the commenter's suggested language apparently contemplates testing conducted on a rig.

Comments Related to Proposed § 250.732(b)(3)—Calculations—MASP

Summary of Comments: One comment was received from multiple commenters that the proposed requirement in § 250.732(b)(3) for calculations include shearing and sealing pressures that are corrected for MASP should be revised. The comment stated that MASP/MAWHP should be limited to the RWP of the preventer above the uppermost shear ram, because it is not possible to have more than the RWP of the preventer above the shear ram.

- *Response:* BSEE disagrees with the commenter's recommended revision. The requirements of § 250.732(b)(3) only apply to calculations identifying the sealing pressure for all pipe to be used in the well. The calculations are to be used to determine the applicability and use of the shearing components; it is the operator's responsibility to determine how the calculations are applied to the specific components on the rig. Therefore, no changes are necessary to this paragraph.

Comments Related to Proposed § 250.732(c)—Facility Access

Summary of Comments: Multiple commenters requested that BSEE revise § 250.732(c) with regard to a BAVO having access to any facility associated with the BOP system during the review process. The comments requested that BSEE change the wording of “access to any facility” to “access to documentation.” The comments asserted that this provision was too broad and implies that BAVOs have law enforcement rights.

- *Response:* BSEE disagrees. BAVOs must have access to the relevant facilities in order to perform the testing and certification functions necessary to ensure that BOPs function as intended to prevent well-control events. There is no basis for the suggestion that requiring operators to provide facility access to the BAVO—which the operator has retained to perform these functions on its behalf—confers any law enforcement authority on the BAVO.

Comments Related to Proposed § 250.732(c)(2)—Verification of BOP System Testing

Summary of Comments: One commenter suggested that the proposed requirement in § 250.732(c)(2)—for verification that designs of the BOP system and individual components have been proven in a testing process that demonstrates the equipment's reliability in a way that is repeatable and reproducible—be cross-referenced to appropriate validation testing required in industry specifications (*e.g.,* API Specs.16A/16C/16D).

- *Response:* BSEE disagrees with the commenter's suggestion that we reference specific industry standards in § 250.732(c)(2). This paragraph is setting general requirements and is intended to be broad enough to allow for flexibility in verifying the component designs without limitation to any specific existing standard(s).

Comments Related to Proposed § 250.732(c)(4)—API Spec. Q1

Summary of Comments: One commenter suggested that quality control and assurance mechanisms referred to in § 250.732(c)(4) require compliance with API Spec. Q1.

- *Response:* BSEE disagrees with the commenter's suggestion to reference specific industry standards in § 250.732(c)(4). This paragraph sets general requirements and is intended to be broad enough to allow for flexibility in verifying that the fabrication, manufacture and assembly of BOP components and the BOP system use appropriate quality control and assurance mechanisms, without limiting the choices of such mechanisms.

Comments Related to Proposed § 250.732(c)(4)—Quality Control and Assurance

Summary of Comments: One industry commenter stated that the proposed requirement in § 250.732(c)(4) that quality assurance and control mechanisms cover “all contractors, subcontractors, distributors, and suppliers at every stage” is overly broad and undefined. The commenter asserted that complying with such a broad requirement would take many years. The commenter suggested that BSEE revise this provision to read: “The quality control, assurance requirements and material documentation specified by the industry standard(s) for the components and systems.”

- *Response:* BSEE does not agree. The commenter provided no explanation or support for its opinion or its recommended changes to the rule.

Therefore, BSEE has no basis to adopt the commenter's recommended change.

Comments Related to Proposed § 250.732(d)—MIA Report

Summary of comments: Multiple comments stated that the requirement in proposed § 250.732(d) for an annual MIA report for subsea BOPs, BOPs used in HPHT environments, and surface BOPs on floating facilities would be redundant and unnecessary and would not increase the safety or reliability of BOP equipment. The comments asserted that each item to be included in the MIA report is already covered by the operators' SEMS plans, as required by BSEE's SEMS rules, or by operators' compliance with API Standard 53 requirements. Commenters also noted that the proposed rule requires adherence to OEM training recommendations that do not exist.

- *Response:* BSEE does not agree that the MIA reporting requirement is redundant or unnecessary. As previously discussed, although some of the technical issues that must be covered in an MIA report under § 250.732(d) are related to certain issues that must be addressed in SEMS plans, there are also many differences between the contents of the MIA reports and SEMS plans. The primary purpose of the MIA report is to provide BSEE with the technical information that BSEE needs to carry out its responsibilities under OCSLA and part 250. By contrast, the purpose of the SEMS plans is to help the OCS industry and workforce to build a stronger safety culture and to improve safety and environmental performance through compliance with the policies and procedures in those plans.

Similarly, while there are some matters covered in an MIA report that are also covered under API Standard 53, there are significant differences and certain types of information required in the MIA report are not covered by API Standard 53.

The comment that the proposed rule would require compliance with non-existent OEM training recommendations does not warrant any change to the final regulation. It is already clear that § 250.732(d)(6) only requires compliance with any OEM training requirements that actually exist.

Summary of comments: Some comments asserted that proposed § 250.732(d)(6)—regarding verification in the MIA report that training for BOP personnel meets OEM requirements—would require adherence to OEM training recommendations that do not exist.

- *Response:* The proposed rule did not, and the final rule does not, state that an operator must provide training to BOP personnel that meets OEM training recommendations or requirements that do not exist; nor does BSEE intend that provision to be interpreted in that way. Accordingly, BSEE has modified final § 250.732(d)(6) to clarify that training must include "any applicable" OEM requirements.

What are the requirements for a surface BOP stack? (§ 250.733)

As provided for in the proposed rule, this section combines and revises several sections of the former regulations that established technical requirements for surface BOP stacks and related equipment. Paragraph (a) of this section specifies the point at which the surface BOP stack must be installed, sets minimum requirements for numbers and types of key surface stack components and equipment (*e.g.,* remote-controlled BOPs that include annulars, blind shear rams, and pipe rams), and specifies the shearing or closing and sealing capabilities that such equipment must have. If the blind shear ram could not cut electric-, wire-, or slick-lines under MASP an alternative cutting device must be on the rig floor during operations that can cut the wire before closing the BOP. Paragraph (b) sets additional requirements and related compliance dates for surface BOPs on floating production facilities. Paragraphs (c) and (d) establish requirements for choke and kill lines. BSEE has revised certain provisions in proposed § 250.733 in the final rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed § 250.733(a)—Risks of Manual Cutting Device

Summary of comments: A commenter was concerned that BSEE may have underestimated the risks (of a fire or explosion) associated with using a separate manual cutting device as an alternative cutting device, under proposed § 250.733(a)(1), during an emergency well-control situation where hydrocarbon vapors may be present on the rig floor. This commenter was also concerned that the speed and effectiveness of closing-in a well would be compromised by using a single blind shear ram and manual cutting device. Thus, this commenter asked that BSEE consider requiring a more robust, automated redundant blind shear ram closure system for all surface BOP systems.

- *Response:* BSEE does not agree with the recommended changes to the requirements for the alternative cutting device specified in paragraph § 250.733(a)(1). This provision will be a substantial improvement over the current regulations, which do not impose any requirements for cutting any electric-, wire-, or slick-line. BSEE is evaluating additional shearing rams for surface BOPs and other advanced technology that may be capable of severing everything in the hole; however, more research and data are needed before BSEE decides whether technology such as that recommended by the commenter should be added to the rules. If research or study reports or other information becomes available to BSEE that warrants additional requirements, BSEE may propose such a revision in a future rulemaking.

Comments Related to Proposed § 250.733(a)—Prescriptiveness of Requirements

Summary of comments: Two commenters claimed that the proposed requirements in § 250.733(a) would be too prescriptive; *i.e.,* that ram placements and configurations should be established by the operator based on a risk assessment.

- *Response:* BSEE does not agree with the suggested changes to paragraph § 250.733(a). This provision does not specify where the rams are to be placed and how they should be configured. Moreover, this paragraph simply restates the longstanding requirements of prior § 250.441(a), which describes the type of BOP components that must be in the BOP stack, but not how they must be configured.

Comments Related to Proposed § 250.733(a)—Compliance Timing

Summary of comments: A commenter recommended that BSEE revise the compliance dates for implementation of the requirements under paragraph (a), suggesting 3 years (rather than the proposed 3 months) to comply and recommending that an annual status report be submitted to BSEE until the rig is in compliance.

- *Response:* BSEE agrees that an extension of the proposed 3-month (from publication of the final rule) compliance date for § 250.733(a)(1) is warranted for certain elements, although the 3 years recommended by the commenter is unnecessary. As previously discussed (*see* part III of this preamble), BSEE is aware that some current technology is available to shear tubing with exterior control lines; accordingly, the effective date for shearing such tubing has been extended to 2 years (from publication of the final rule) in order to allow operators to acquire and install (and, if necessary, to develop new or alternative) equipment to meet the requirements. However, the commenter provided no support for modifying the compliance date for any other elements of § 250.733(a), nor is BSEE aware of any basis for doing so. Therefore, BSEE has not revised the compliance date for the remainder of § 250.733(a).

Comments Related to Proposed § 250.733(a)(1)—Shearing Requirements

Summary of comments: Commenters asked BSEE to confirm that it intended to propose the exclusions from the blind shear ram shearing requirements in proposed § 250.733(a)(1) for "tool joints, bottom hole tools, and bottom hole assemblies that include heavy-weight pipe or collars." Although excluded in the regulatory text, the exclusions were not discussed in the preamble to the proposed rule.

- *Response:* BSEE understands that there is no such technology currently available that can shear such equipment. Additionally, if all of the shearing capability requirements of this rule are met, there is no need for the equipment to be able to shear equipment at the bottom of the hole. Accordingly, the proposed and final regulatory text for paragraph (a)(1) correctly excluded shearing requirements for tool joints, bottom hole tools, and bottom hole assemblies that include heavy-weight pipe or collars from shearing requirements was intended and was correctly included in the proposed rule, as well as in the final rule. The omission of any discussion of those exclusions in the preamble description of proposed § 250.733(a)(1) was inadvertent.

Comments Related to Proposed § 250.733(a)(1)—Shearing Under MASP

Summary of comments: A commenter was concerned about the proposed requirement that if the blind shear rams are unable to cut "any electric-, wire-, or slick-line under MASP," an alternative cutting device must be used. The commenter asserted that the word "any" in that context is open-ended. The commenter suggested that the operator should be able to demonstrate that its blind shear rams can cut the lines intended for use rather than "any" possible lines.

- *Response:* BSEE does not agree with the commenter's apparent concern about paragraph § 250.733(a)(1). The commenter did not fully explain its concerns, but BSEE assumes the commenter believed the provision required that the ram be capable of shearing any possible line. However, the proposed (and final) regulatory text simply refers to the electric-, wire-, or slick-line "that is in the hole," not to hypothetical lines that are not in the hole.

Comments Related to Proposed § 250.733(a)(1)—Shear Rams

Summary of comments: Another commenter recommended adding language to paragraph § 250.733(a)(1) to the effect that if the BOP stack has dual shear rams, and the lower shear ram can shear all drill pipe, then the upper shear ram only needs to seal against MASP, not to exceed the RWP of the preventer located directly above the shear ram.

- *Response:* BSEE does not agree with adding the language the commenter suggested. Since § 250.733(a)(1) does not require dual shear rams to be used in a surface BOP stack, the commenter's suggested language appears to involve a hypothetical scenario outside the scope of the rule.

Comments Related to Proposed § 250.733(a)(2)—Exterior Control Lines

Summary of comments: Commenters recommended adding more exclusions to the proposed requirement that the pipe rams be able to close and seal on the tubular body of any drill pipe, workstring, and tubing under MASP. Specifically, the commenters asked that BSEE exclude pipe bodies with exterior control lines. Commenters emphasized that closing a ram preventer on tubing and exterior control lines (*e.g.,* flat packs) is not currently achievable, nor is it a realistic expectation for the near future. The commenters claimed that since it is not possible to comply with this provision, the industry would be shut down in the Gulf of Mexico. Commenters suggested use of a risk assessment to identify additional mitigation measures or requiring the shear ram to be able to shear and seal the tubular with the items attached to the outside of the pipe.

- *Response:* As previously discussed, BSEE agrees that pipe rams currently cannot completely seal around tubing with exterior control lines. An annular is the only BOP component able to seal around tubing with exterior control lines and is only used for a low pressure situation, which is usually the case when running tubing with exterior control lines. Accordingly, BSEE has revised final paragraph (a)(2) to clarify that pipe rams are not required to seal tubing with exterior control lines and flat packs.

Comments Related to Proposed § 250.733(a)—Pipe Rams and MASP

Summary of comments: Another commenter recommended removing the requirement from § 250.733(a) that pipe rams must be able to close and seal under MASP, since § 250.730(a) already establishes that the BOP (including pipe and variable bore rams) must have an RWP greater than MASP, and thus the two provisions would effectively be redundant.

- *Response:* BSEE is not revising paragraph (a) as the commenter suggested. The capability of pipe rams to close and seal under MASP is important because the MASP predicts the highest pressure to be encountered at the surface of the well and is used in ensuring that BOPs can function as intended. Although § 250.730(a)(3) establishes essentially the same requirement for all BOPs, reiterating the requirement in § 250.733(a)(2) for surface BOPs emphasizes the importance of this capability without imposing any additional burden on the operator.

Comments Related to Proposed § 250.733(b)—Surface Dual Shear Rams

Summary of comments: Several commenters asserted that BSEE should not require dual shear rams on surface BOPs on any floating production facility. Other commenters requested that BSEE conduct a full risk assessment of the impact of such a dual shear ram requirement before making it part of a final rule. They asserted that the negative consequences (related to weight, height and other structural limits on the facility) of adding such capabilities might increase rather than reduce risks.

Other comments stated that the rule is not clear about the requirements for existing floating production facilities with surface BOP stacks. Some recommended that BSEE allow "grandfathering" for existing and under-construction facilities, since the proposed requirements could create feasibility issues or additional costs that could make continued activity on such rigs economically unviable. Some commenters also recommended that BSEE allow operators to submit a risk assessment for each existing floating facility to determine whether the facility needs dual shear rams to reduce risk and allow those facilities to "opt-out" of the requirement (as provided in API Standard 53).

- *Response:* BSEE disagrees with the suggestions that the dual shear ram requirement for surface BOPs on floating production facilities be eliminated from the final rule altogether. As indicated in the proposed rule, § 250.733(b) is consistent with BSEE policy that surface BOPs on floating production facilities (like subsea BOPs) generally present higher risks than surface BOPs on fixed facilities. (*See* 80 FR 21522.) In addition, BSEE believes that overall performance of shearing equipment must improve over the longer term to ensure that the equipment can successfully shear a drill stem in an emergency. (*See* 80 FR 21509.) BSEE also believes that the industry is already moving toward eventual use of dual shear rams in surface BOPs on new floating production facilities.

For the same reasons, BSEE disagrees with the recommendation that BSEE do a risk assessment to justify the dual shear ram requirement or allow operators with surface BOPs on floating facilities to opt-out of the requirement if they perform a risk assessment. BSEE already addressed the latter suggestion in the proposed rule in connection with the dual shear ram requirement for subsea BOPs, and stated that an operator whose circumstances make the dual shear ram requirement infeasible can seek approval for alternative equipment or procedures under current § 250.141. (*See* 80 FR 21509–21510.)

However, BSEE understands several of the practical concerns related to applying the dual shear ram requirement to existing facilities. For example, BSEE agrees that the dual shear ram requirement, if applied to existing floating production facilities, or facilities under construction or in advanced stages of development, potentially could have negative personnel safety and structural impacts due to the added weight of the dual shear ram equipment and to the height and structural limits of those facilities. Accordingly, BSEE has revised final paragraph (b)(1) to apply the dual shear ram requirements on surface BOPs that are "installed" on floating facilities 3 years after publication of the final rule.[18] In effect, this means that surface BOPs on floating production facilities that exist now, or facilities that are installed on the OCS in the near-term, will not need to meet the dual shear ram requirement unless those BOPs are removed or replaced 3 or more years after the rule is published.[19] This 3-year compliance period will give the industry adequate time to plan, design, and develop surface BOP equipment that can meet the dual shear ram requirement on new floating production facilities.

Final § 250.733(b)(1) reasonably balances the practical concerns related to requiring dual shear rams on BOPs at existing floating facilities, or those to be constructed in the near-term, with the importance of improving the capabilities of surface BOPs on such facilities in the longer term. In fact, existing floating production facilities generally are less likely to have an event requiring a dual shear ram BOP, given that the majority of such facilities are located in depleted fields, with lower pressures due to ongoing production from those fields.[20]

Comments Related to Proposed § 250.733(b)(2)—Dual Bore Risers

Summary of comments: Comments on § 250.733(b)(2) focused on the meaning of the proposed requirement for dual bore risers on existing facilities. Commenters requested clarification that existing facilities currently using single bore strings may continue to do so. They noted that there are currently many single bore risers being used successfully on existing facilities, which should not be required to install new dual bore riser systems. Some commenters argued that this would present significant feasibility issues, with substantial economic consequences, but without significant safety benefits. A commenter also suggested that there are other safety precautions (such as dual barriers) that can improve safety without converting single bore risers to dual bore. In addition, some comments recommended changing the terminology from "dual bore riser configuration" to "dual casing configuration" to better align with the terminology used in industry.

- *Response:* BSEE does not agree that it is necessary to revise the dual bore riser requirements in paragraph § 250.733(b)(2). The commenters' concerns apparently are based on the misinterpretation that BSEE intended to require that all single bore risers be converted to a dual bore riser configuration. That was not BSEE's intention, as is evident from a careful reading of the proposed rule. The language in proposed, and now final, § 250.733(b)(1) applies only to risers installed after the effective date of the final rule (*i.e.*, 90 days from the date the final rule is published). If any operator already has existing plans to install a single bore riser after the final rule takes effect, the operator should contact BSEE and, if necessary, may request approval for alternative compliance under § 250.141.

BSEE also has not made the requested change from "dual bore riser" to "dual casing" since "dual bore riser" is an established and well-understood industry term.

Comments Related to Proposed § 250.733(b)(2)—Most Extreme Conditions

Summary of comments: Another commenter recommendation was to change the requirement to design for the "most extreme" conditions to a requirement to design for "anticipated" operating and environmental conditions. A commenter also requested that BSEE clarify that monitoring of the annulus between the risers means monitoring for pressure during operations.

- *Response:* BSEE agrees with this comment and has revised § 250.733(b)(2) by removing the term "most extreme" and replacing it with "maximum anticipated," and added to paragraph § 250.733(b)(2)(i) that the riser must be monitored for pressure during operations.

Comments Related to Proposed § 250.733(c)—Side Outlet Valves

Summary of comments: A commenter recommended deleting the proposed requirement for side outlet valves to hold pressure in both directions, stating that there is no scenario under which these valves would see pressure in a surface application. The commenter asserted that this requirement for two-way valves should only apply to subsea BOPs and recommended that BSEE should revise the text for surface BOPs to only require that side outlet valves be able to hold pressure from the direction of flow.

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[18] The revised language of final § 250.733(b)(1) also clarifies that existing floating production facilities do not need to retrofit or replace their BOPs in order to meet the dual shear requirement in 5 years, as the proposed language might have implied by its cross-reference to the dual shear ram requirement for subsea BOPs in proposed § 250.734(a)(1), which included a 5-year compliance date for those subsea BOPs.

[19] The requirement that surface BOPs installed 3 or more years after publication of the final rule must comply with the requirements of § 250.734(a)(1) does not extend the 5-year compliance date for dual shear rams as specified in § 250.734(a)(1). Specifically, any surface BOP installed between 3 years and 5 years after publication of the final rule must comply with the dual shear ram requirement no later than 5 years after publication of the final rule; any surface BOP installed 5 or more years after publication of the final rule must comply with the dual shear ram requirement when the surface BOP is installed.

[20] In addition, there are large amounts of offset well data for those existing facilities in depleted fields (due to the multiple wells previously drilled into the same geologic formations and reservoirs), which allows for better prediction of drilling parameters. Similarly, because of the prior production of the reservoirs at such facilities, the reservoir parameters and characteristics are generally well established.

- *Response:* BSEE does not agree with these comments. BSEE understands that side outlet valves are already in use and on surface BOPs are normally designed to hold pressure from both directions. Thus, there is no factual basis to revise this provision.

Comments Related to Proposed § 250.733(d)—Remote-Controlled Valve

Summary of comments: A commenter emphasized that, in an emergency case, a remote-controlled valve on a kill-line is easier and faster to access and operate. The commenter recommended that BSEE require that the valve on such lines be capable of both remote and manual operation if power for a remotely operated valve is not available, instead of the proposed language allowing the operator to use either a manual valve or remotely controlled valve.

- *Response:* BSEE disagrees with the suggested change. Due to the functions and intended use of the kill line, remote operation is not necessary, although the operator has the option to use both manual and remote operated valves.

Comments Related to Proposed § 250.733(e)—Hydraulically Operated Locks

Summary of comments: Commenters raised several concerns about the proposed requirement to install hydraulically operated locks on surface BOP stacks. Some commenters suggested deleting the requirement altogether; others suggested only requiring hydraulic locks on all surface BOPs on HPHT wells. Commenters asserted that this technology is not available for a majority of surface BOP systems and that there is no technical basis to require hydraulically operated locks on all surface BOPs. Commenters suggested, as an alternative, revising the requirement to ensure that BOP ram locks are in working order and accessible. Some commenters asserted that, while hydraulically operated locks remove the operator from the vicinity, and thus may provide more protection for some rig personnel than manually operated locks, they are not as reliable as manual locks, which are simpler in design.

Commenters also pointed out that, in a catastrophic well-control incident, the ability to charge or recharge the hydraulic closing unit may be lost. In addition, commenters also raised concerns regarding the timing and costs related to the proposed requirement, stating that compliance within 3 months would not be achievable for rigs that do not already have hydraulically operated locks and the necessary control systems. Commenters stated that, depending on the timing of the requirement, manufacturing, delivery, and installation of this equipment could lead to downtime for drilling rigs with surface BOPs. Commenters stated further that OEMs would not have the inventory on shelves to fulfill orders within 90 days.

Some commenters suggested an effective date 3 years after publication of the final rule, while others suggested that 5 years would provide enough time to design and manufacture any new components, procure and install, and obtain testing and verification by a BAVO. One commenter suggested that, if BSEE extends the compliance date, it could require an annual status report to BSEE until rigs are in compliance.

- *Response:* BSEE has deleted proposed § 250.733(e) from the final rule, since final § 250.735(g) adequately addresses the locking requirements for surface BOPs, and the circumstances covered by proposed § 250.733(e) do not warrant an additional requirement at this time. As described later in this document, BSEE has also revised final § 250.735(g) based on comments concerning both proposed § 250.733(e) and proposed § 250.735(g).

Comments Related to Proposed § 250.733(f)—BOP Repair Certification

Summary of comments: One commenter objected to the proposed requirement that a BAVO certify that it has reviewed repairs to a surface BOP in an HPHT environment and that the BOP is fit for service, pointing out that this provision is redundant with proposed § 250.738(b). Other commenters raised other concerns with, and requested other changes to, proposed § 250.733(f), including claiming that the proposed regulation inappropriately places the primary responsibility for verifying repairs on the BAVOs, instead of the operator.

- *Response:* BSEE agrees that proposed § 250.733(f) would be redundant with § 250.738(b); therefore, BSEE has deleted paragraph (f) from § 250.733 in the final rule.

What are the requirements for a subsea BOP system? (§ 250.734)

As described in the proposed rule, this section combines and revises provisions of former sections that established requirements for subsea BOP systems. Paragraph (a) requires dual shear rams and specifies the shearing requirements as well as requirements for the BOP control system, subsea accumulator capacity, ROV intervention capabilities, personnel training, and certain BOP equipment and capabilities. Paragraph (b) establishes procedural and testing requirements for resuming operations after operations are suspended to make repairs to the subsea BOP system. Paragraph (c) sets out APD requirements related to drilling a new well with a subsea BOP. BSEE has revised certain provisions in proposed § 250.734 in the final rule as discussed in the comment responses for this section and in parts V.B.2, V.B.5, and V.C of this document.

Comments Related to Proposed § 250.734—Risk-Based Approach

Summary of comments: Commenters stated that proposed § 250.734 uses overly prescriptive language, similar to the language used in the proposed BOP surface stack requirements. They also asserted that the proposed rule would increase the minimum equipment requirements beyond API Standard 53 and seek to introduce one-size-fits-all configurations. Commenters suggested re-writing the proposed rules with a risk-based approach that would enable BSEE to create a set of rules that could meet the desired intent without creating a number of unintended side effects. They assert that a risk-based approach would also be more suited to the constant evolution of drilling processes and would encourage technological innovation and efficiency.

- *Response:* BSEE recognizes the advantages and disadvantages of both approaches and understands that each approach can be effective and appropriate for specific circumstances. As explained in the proposed rule, this rulemaking uses a hybrid approach incorporating prescriptive requirements, where necessary, as well as many performance-based requirements. (*See, e.g.,* 80 FR 21509.) BSEE believes that this provision, as promulgated in the final rule, strikes the appropriate balance between prescriptive and performance-based requirements. The final provision is intended to ensure that subsea BOP systems include, at a minimum, certain types of components and processes that, based on BSEE's experience and analyses of past incidents, will help prevent future blowouts. However, § 250.734(a) does not mandate a one-size-fits-all approach. To the contrary, the final rule allows operators to exceed the prescribed requirements (*e.g.,* to use more than the required 5 remotely-controlled, hydraulically operated BOPs) if the operators wish to do so. Nor does this provision mandate the use of any manufacturer's equipment or otherwise discourage the development of new and better technology that will meet or exceed the requirements of the rule.

BSEE expects equipment manufacturers, operators and others to continue exploring and developing new, more efficient ways to meet these requirements.

Comments Related to Proposed § 250.734(a)—Device Connections

Summary of comments: A commenter asserted that the table in § 250.734(a)—listing requirements for operating with a subsea BOP—does not address connections between devices in the BOP stack, or methodologies for disconnection and/or reassembly or capping or containment points on those devices. The commenter stated that BSEE must address points of connection between the devices and capping and containment points to reduce the uncertainty of the procedures used in the event of failure. The commenter recommended that BSEE include a new section describing equipment and/or devices used to connect each component in the BOP stack, and a separate section describing capping and containment points and methods at all such locations on the BOP stack.

- *Response:* BSEE disagrees with the commenter that capping or containment points should be included in this section and has not made the suggested changes to paragraph (a). Containment requirements are covered adequately under proposed and final § 250.462.

Comments Related to Proposed § 250.734(a)—MASP

Summary of comments: Some commenters questioned BSEE's use of MASP in this section, asserting that MASP is not the appropriate industry term for subsea BOPs. They recommended using MAWHP, as defined in API RP 96 and API Standard 53.

- *Response:* As previously explained in connection with similar comments on § 250.730, MASP must be defined for the specific operation, and for a subsea BOP, the MASP must be taken at the mudline, as explained in § 250.730(a). For subsea BOPs, MASP taken at the mudline is the same as MAWHP. BSEE uses the term MASP in its existing regulations and disagrees with the suggestion that it would cause confusion in this context.

Comments Related to Proposed § 250.734(a)—Compliance Timing

Summary of comments: Multiple commenters expressed concerns about the compliance dates associated with this section and provided examples of why an extended compliance date is necessary. The aspects of the provisions that were of most concern included the lack of technology needed for shearing flat packs, slick-line, and other exterior control lines; procurement of additional accumulators needed for the closure of dual shear rams; installation of ram position indicators; and pipe centering capabilities. Although many commenters suggested that a 5-year implementation timeframe would be acceptable, others suggested longer timeframes for certain provisions.

- *Response:* BSEE agrees that there are some provisions in § 250.734(a), and other sections of this rule, for which operators will need more time for compliance than proposed. Accordingly, the final rule extends the compliance dates for specific requirements under paragraph (a)(1) as well as for the specific requirements under paragraphs (a)(1)(ii), (a)(3)(iii), (a)(15), and (a)(16)(i). More detailed discussion of the extended compliance timeframes is provided in part III of this preamble.

Comments Related to Proposed § 250.734(a)—Surface Casing Setting Point

Summary of comments: A commenter stated that proposed § 250.734(a) was unclear as to what conditions would lead the District Manager to require an operator to install a subsea BOP before reaching the surface casing setting point. This commenter asserted that prematurely installing a subsea BOP and shutting in on a kick before installation of surface casing would increase the risk of broaching to the seafloor.

- *Response:* BSEE clarified final § 250.734(a) by stating that the subsea BOP system must be installed before conducting operations if the well is already deepened beyond the surface casing setting point. Other situations that might require installation of the BOP below the conductor casing will be decided on a case-by-case basis by the District Manager. It would be premature to speculate on specific circumstances that would warrant such a decision, but the District Manager would certainly take into account whether installation of the BOP is likely to cause a broach or other increased hazard. If an operator has any concerns or questions about a specific factual scenario, it may contact the appropriate District Manager for assistance.

Comments Related to Proposed § 250.734(a)(1)—Compliance Timing

Summary of comments: A commenter observed that while BSEE proposed requiring a second blind shear ram for some BOPs, the rule would also allow 5 years for operators to implement this critical safeguard. Another commenter stressed that given the importance of dual blind shear rams to offshore drilling safety, all current and future blowout preventers should be equipped with these devices, and BSEE should reduce the time required for compliance with this provision.

- *Response:* As provided in the proposed rule (*see* 80 FR 21509–21510), BSEE agrees that the dual shear ram requirements are important to improving safety and environmental protection, consistent with recommendations arising from the *Deepwater Horizon* incident. However, the existing regulations did not require dual shear rams. BSEE believes that operators generally follow API Standard 53 regarding when dual shear rams should be used, based on the BOP classification. BSEE is aware that not all subsea BOPs have dual shear rams yet, and that acquiring and installing such equipment presents significant practical, technical and economic challenges. Accordingly, as discussed previously in the proposed rule (*see* 80 FR 21511) and this document, BSEE determined that 5 years is an appropriate timeframe for operators to obtain and install the necessary equipment for all subsea BOPs.

Comments Related to Proposed § 250.734(a)(1)—Dual Shear Rams

Summary of comments: Commenters raised various concerns about the proposed requirement for dual shear rams and the placement of BOPs. A commenter stressed that OEM equipment limitations restrict shear and seal capability of blind shear rams, and suggested that the regulations follow section 7.6.11.7.11 of API Standard 53, which states that "[i]f a single ram is incapable of both shearing and sealing the drill pipe or tubing in use, the emergency and secondary systems shall be capable of closing two rams; one that will shear and one that will seal wellbore pressure."

- *Response:* BSEE does not believe that one shear ram can ensure the ability of a subsea BOP to shear a drill string in the event of a potential emergency. The various investigations of the *Deepwater Horizon* incident recommended increasing the shearing capabilities of the BOP, including the use of dual shear rams on subsea BOPs. BSEE determined that use of dual shear rams would increase the likelihood that a drill string can be sheared, and ensures the well can be shut in and secured, by requiring that a shearable component is opposite a shear ram. BSEE also determined that merely requiring compliance with API Standard 53, which includes a procedure for "opting-out" of the dual shear ram provision, cannot provide the same level of assurance. (See 80 FR 21510–21511.) If there are unique circumstances that prevent the use of dual shear rams, operators would be able to apply for the use of alternative procedures or equipment under existing § 250.141.

Comments Related to Proposed § 250.734(a)(1)—Existing Wells

Summary of comments: A commenter remarked that the requirements in this section are reasonable for new wells, but that it may be appropriate to allow 4-ram BOPs on some existing wells with older wellheads. The commenter also said that the use of heavier/taller BOP stacks may potentially induce higher bending moments on the wellhead and BOP stack that will reduce the overall safety provided by the BOP.

- *Response:* BSEE disagrees with the comment about allowing a 4-ram BOP on existing wells with older wellheads. BSEE determined that a 5-ram BOP is appropriate due to the high potential of a significant well-control event, including at facilities with older wellheads. However, if there are unique circumstances (such as a concern with potentially higher bending moments on some older wellheads) that might warrant the use of a 4-ram BOP for a specific well, operators would be able to apply for the use of alternative procedures or equipment under existing § 250.141.

Comments Related to Proposed § 250.734(a)(1)—Shear Ram Placement

Summary of comments: Commenters asserted that the proposed requirement for the placement of non-sealing shear rams below the sealing shear rams conflicts with API Standard 53. Some comments suggested that BSEE revise paragraph (a)(1) to provide that any non-sealing shear ram must be installed below at least one sealing shear ram. Others recommended that the operators use a documented risk assessment to establish the fixed ram configuration as provided by API Standard 53. A commenter noted that there are rigs where 3 shear rams with casing shears are installed between two blind shear rams and in many instances the casing shear in the middle is the best configuration. Another commenter noted that it may be preferable to have a casing shear ram in between two sets of blind shear rams.

- *Response:* BSEE agrees with the commenter about requiring that any non-sealing shear ram must be installed below at least one sealing ram. This provides flexibility for sealing the well after shearing with non-sealing shear rams. The pipe can fall in the hole if not hung off, or the pipe can be lifted clearing the upper sealing ram. Accordingly, BSEE has revised final paragraph (a)(1)(ii) to read "[a]ny non-sealing shear ram(s) must be installed below a sealing shear ram(s)."

However, BSEE is not requiring a risk assessment by the operator as the method for determining the order of the minimum requirements for one blind shear ram and one shear ram. If multiple redundant shearing rams are included, BSEE recommends a risk assessment, but one is not required. If there are unique circumstances that indicate that some configuration other than those specified in this paragraph may be warranted, operators would be able to apply for the use of alternative procedures or equipment under existing § 250.141.

Comments Related to Proposed § 250.734(a)(1)(i)—Exterior Control Lines

Summary of comments: Some commenters recommended adding an exclusion from the pipe ram sealing requirement in paragraph (a)(1)(i) for sealing on pipe with exterior control lines and umbilicals attached.

- *Response:* As discussed previously in this document, BSEE agrees with the comment about pipe rams not being able to seal around tubing with exterior control lines and flat packs. An annular is the only BOP component able to seal around tubing with exterior control lines and an annular is usually used for a low pressure situation, which is usually the case when running tubing with exterior control lines. Thus, BSEE revised paragraph (a)(1)(i) in the final rule to exclude tubing with exterior control lines and flat packs from the pipe ram sealing requirement, but requiring that (within 2 years) the shear rams be able to cut and seal the tubing with exterior control lines in the hole.

Comments Related to Proposed § 250.734(a)(2)—Dual-Pod Control System

Summary of comments: Commenters stated that the proposed rule prescriptively dictates that all subsea BOPs must have a dual-pod control system. They asserted that API Standard 53 adequately addresses redundancy of these systems without requiring all subsea BOPs to have dual-pod controls. A commenter also asserted that this provision would tie the industry to the prescribed current methodology without room to change or improve, and suggested that BSEE revise § 250.734(a)(2) to require subsea BOPs to "[h]ave a fully redundant subsea control system to ensure proper and independent operation of the BOP system."

- *Response:* BSEE agrees with the comments suggesting that the proposed requirement for dual-pod controls could have proven unduly restrictive, and that requiring redundant pod controls would provide more flexibility and room for improvement while providing at least as much protection as the proposed language. Accordingly, BSEE has revised final § 250.734(a)(2) by replacing "dual pod control system" with "redundant pod control system." This change will also align the pod requirement in the regulations with the language of API Standard 53.

Comments Related to Proposed § 250.734(a)(3)—Fast Closure of BOP Components

Summary of comments: Commenters asked BSEE to clarify the requirements under proposed paragraph § 250.734(a)(3), related to "fast closure of the BOP components" and "operate all critical functions." They indicated that BSEE did not define the terms "fast closure" and "critical functions" in the rule, noting that these terms are defined in API Standard 53.

- *Response:* Although the API Standard 53 definition of "fast closure" is one appropriate way to understand this term, it is not the only possible appropriate way. Thus, BSEE does not believe it is necessary to limit the meaning of "fast closure" in the regulations to the API Standard 53 definition. However, BSEE agrees with the commenter about the possibility of confusion and the need to define "critical functions." Accordingly, BSEE revised final § 250.734(a)(3)(i) to specify that the critical functions are to "[o]perate each required shear ram, ram locks, one pipe ram, and disconnect the LMRP." These critical functions are the same as those defined in API Standard 53.

Comments Related to Proposed § 250.734(a)(3)(i)—Subsea Accumulator Capacity

Summary of comments: Commenters also questioned the proposed requirement in § 250.734(a)(3)(i) for additional subsea accumulator capacity in case of the loss of power fluid connection to the surface. They emphasized that if there is a loss of the power fluid connection to the surface, then there also will probably be a loss of control from the surface. In that case, there would be no logical reason to require accumulator capacity to operate all choke and kill outlet valves.

- *Response:* BSEE agrees with the comment and has removed the reference to choke and kill side outlet valves, replacing it with a reference to ram locks, in final § 250.734(a)(3). This change is also consistent with the operations of critical functions.

Comments Related to Proposed § 250.734(a)(3)(iii)—Dedicated Independent Accumulator Bottles

Summary of comments: Commenters requested clarification of the intent and scope of the requirement in proposed § 250.734(a)(3)(iii) for "dedicated independent" accumulator bottles, located subsea for the autoshear, deadman, and EDS systems. Commenters asserted that this is a major deviation from API Spec. 16D and API Standard 53, which allow surface accumulator bottles to contribute to the EDS sequence. Complying with the proposed requirement would mean locating additional accumulator bottles on the subsea BOP stack, which commenters stated would pose practical and technical concerns due to inherent space limitations for subsea BOP systems, and could also exceed the capacities of the BOP crane, BOP frame, rig substructure, and BOP carts. Also, commenters asserted that more subsea accumulator bottles could both impede the ROV from seeing areas of the stack critical to troubleshooting during abnormal situations and create additional leak paths. In addition, commenters noted that the extra accumulator bottles would have to be removed each time the BOP is serviced, increasing safety risks from handling the bottles. As an alternative to the proposed requirement, commenters suggested that BSEE require one subsea accumulator bank, to be shared by autoshear, deadman, EDS, acoustic and other critical functions, as provided by API Standard 53.

Commenters also expressed concerns about the proposed timeframe (3 months from publication of the final rule) for complying with the new accumulator requirements, given design and engineering issues and potential problems with acquiring and installing sufficient accumulator bottles and related equipment. Most of those commenters stated that 5 years would be an appropriate timeframe for overcoming those problems.

- *Response:* BSEE agrees with many of the commenters' concerns, and has revised final § 250.734(a)(3) to clarify that subsea BOP accumulators must have enough capacity to provide pressure for critical functions, as specified in final § 250.734(a)(3)(i), and must have accumulator bottles that are dedicated to, but may be shared between, autoshear and deadman functions. The final rule does not require dedicated capacity for the EDS. These clarifications would eliminate most of the concerns about having to locate additional bottles subsea. BSEE also agrees that the proposed timeframe for compliance would be inadequate, even for the revised subsea accumulator requirements, given the need to design, develop, and implement solutions to the potential structural and engineering problems associated with acquiring, storing, and installing new accumulator bottles and related equipment. Accordingly, after review of the comments, BSEE has revised the compliance date for the accumulator requirements in paragraph (a)(3)(iii) to 5 years after publication of the final rule, as suggested by several commenters. This change also corresponds to the proposed (now final) 5-year compliance date for the final dual shear ram requirements, which likely would be the first time that the new subsea accumulator requirements would be needed in the event of an emergency. Thus, extending the compliance date for § 250.734(a)(3)(iii) would not adversely affect safety or the environment compared to the proposed rule. For a more detailed discussion of the accumulator revisions, see part V.B.2 of this document.

Comments Related to Proposed § 250.734(a)(3)(ii)—Subsea Accumulator Capability

Summary of comments: Commenters requested clarification of the requirement in proposed § 250.734(a)(3)(ii) for subsea accumulator capability to deliver fluid to each ROV function. A commenter recommended that BSEE allow alternative options, such as independent accumulator bottles to supply the hydraulic power. Commenters noted that these systems can be used in conjunction with the ROV flying leads. Commenters also suggested that, instead of being required for ROVs, the primary purpose of subsea accumulator bottles should be to deliver fluid under pressure to provide fast closure of the components in an emergency situation. Also, commenters asserted that ROVs themselves should be able to recharge the bottles to perform other functions if necessary.

- *Response:* BSEE does not agree that the suggested changes to § 250.734(a)(3)(ii) are necessary. This provision does not specify or limit the methods or devices that could be used to provide the necessary fluid to each ROV function. The ROVs must be capable of receiving the fluid from the accumulator, but BSEE is not restricting the use of other options, such as sand units. The rule simply requires that the subsea BOP have the capability of delivering the fluid to each ROV function.

Comments Related to Proposed § 250.734(a)(4)—ROV Intervention Capability

Summary of comments: Commenters raised several concerns with the proposed requirement that subsea BOPs must have ROV intervention capability. Some commenters emphasized that the primary purpose of ROV intervention capability (hot stab) should be to secure the well and unlatch the LMRP, if required. The commenters claimed that the proposed new requirements for ROVs will require considerably more ROV panels and functions. This will add leak points and test points, thus reducing the overall reliability of the system, reducing the availability of ROV access, reducing access for maintenance activities on the stack, and increasing the complexity of the BOP system. The commenters asserted that this will lead to increased maintenance costs. They also indicated that it will result in extra time and safety risks for ROV operators (*i.e.*, from firing the wrong function due to the increased number of ROV functions). Commenters also asserted that, due to likely equipment delivery delays, implementation of this regulation would require extended periods of downtime for operating rigs. Commenters noted that this paragraph exceeds the critical functions provisions in API Standard 53. These commenters recommended that BSEE revise this provision to refer to API Standard 53 for defining critical functions for ROV capabilities.

- *Response:* BSEE agrees with the comment that the proposed rule would require adding significant new ROV functions, and that API Standard 53 provides an appropriate description of critical ROV functions (such as opening and closing each shear ram, and LMRP disconnect). Limiting the number of functions required for the ROVs will significantly decrease the possibility of creating new leak paths, help reduce complexity of the BOP system, and minimize any rig downtime for equipment changes. Accordingly, BSEE revised final § 250.734(a)(4) to limit the ROV functions to the critical functions which are now specified in that paragraph, and which is consistent with the definition of critical functions in API Standard 53.

Comments Related to Proposed § 250.734(a)(5)—ROV Crew Training

Summary of comments: A commenter requested that BSEE clarify whether the proposed requirement for maintaining ROVs and having a trained ROV crew on each rig is intended to impose requirements over and above those of the existing requirements of subparts O and S of part 250.

- *Response:* The personnel training requirements of § 250.734(a)(5), which include applicable training requirements for subparts O and S, apply to the ROV crew training required by § 250.734(a)(5). Section 250.734(a)(5) potentially goes go beyond subpart O, however, in that it also requires that personnel authorized to operate an ROV must have a comprehensive knowledge of BOP hardware and control systems. The training provisions for SEMS under § 250.1915 require operators to establish a training program so that all personnel are trained in accordance with their duties and responsibilities to work safely and are aware of potential environmental impacts. This provision sets out specific training requirements for the ROV crew. There are no inconsistencies between § 250.734(a)(5) and subparts O and S. Accordingly, BSEE made no changes to the final rule based on this comment.

Comments Related to Proposed § 250.734(a)(5)—ROV Crew Training

Summary of comments: While several commenters supported the proposed requirements for maintaining an ROV and training the ROV crew, some recommended that training of ROV pilots on stabbing into an ROV intervention panel should not be limited to simulators, as suggested by the proposed rule; real-world, on-the-job training is also valuable. Thus, one commenter also suggested changing "simulator training" to "competence training."

- *Response:* BSEE agrees with the comment about the value of on-the-job training, but notes that § 250.734(a)(5)'s requirement for simulator training does not preclude other, additional training methods, including on-the-job training; thus, no change to regulatory language is warranted in this regard. Nor did the commenter provide any other reason to replace simulator training with "competence training."

Comments Related to Proposed § 250.734(a)(5)—ROV Crew Requirements

Summary of comments: A commenter recommended several revisions to § 250.734(a)(5), including: Changing the proposed requirement that the ROV crew must "examine all ROV related well-control equipment" to requiring that the ROV crew "must be familiar with all ROV related equipment"; revising the requirement that the "ROV crew must be in communication with designated rig personnel" to the "ROV crew must be able to be in constant communication with designated rig personnel"; and changing "shutting in the well during emergency operations" to "carrying out appropriate tasks during emergency operations."

- *Response:* BSEE agrees with the comment suggesting that the phrase "shutting in the well during emergency operations" be changed to "carrying out appropriate tasks during emergency operations," and made that revision in the final rule. This will ensure that the ROV crew is able to conduct many different tasks, instead of just shutting in the well, during emergency operations. The other suggested changes would not substantively change or improve the requirements for ROV crew capabilities.

Comments Related to Proposed § 250.734(a)(6)(iv)—Emergency Functions

Summary of comments: Commenters suggested that the emergency functions requirement in proposed § 250.734(a)(6)(iv) should be operations-specific and not a blanket order to close both casing shear and blind shear rams in all situations. Some commenters recommended using an operational risk assessment to determine the optimum emergency sequence for the specific operation, stating that the sequential shearing requirement is too prescriptive and the prescribed method in the proposed rule may not be the safest approach.

- *Response:* BSEE does not agree that any changes to § 250.734(a)(6)(iv) are needed based on this comment. The only requirement for sequencing in paragraph (a)(6)(v), does not specify any particular sequencing of emergency functions; it only requires a sufficient delay after beginning closure of the lower shear ram before the upper ram begins closure. The specific sequencing of emergency functions should be developed by the operator based on safety considerations.

Summary of comments: One commenter recommended that BSEE remove the requirement that each emergency function must close dual shear rams. The commenter stated that since the sealing shear ram is required to shear the same tubulars as the non-shearing ram, closing both rams in all cases does not provide an advantage. However, another commenter supported the proposed requirement to close a minimum of two shear rams, one of which must seal the well, stating that it will increase the availability of all the emergency BOP functions. Another commenter also supported the proposed requirement and stated that the sequencing will help ensure that at least one of the shear rams will seal.

- *Response:* BSEE disagrees with the comment about removing the requirement that each emergency function must close two shear rams. The autoshear/deadman systems are used as a "last case" scenario to operate specific BOP components, are not performed by rig personnel, and are set to activate independently under certain operating criteria. BSEE is requiring both shear rams to close for these emergency functions in order to increase the effectiveness of those emergency BOP systems.

Comments Related to Proposed § 250.734(a)(6)(iv)—Emergency Functions

Summary of comments: Commenters stressed that requiring that each emergency system must always close dual shear rams in sequence will reduce the operating capability of the rigs due to the reduced operating radii induced by such a rule. They stated that the purpose of the EDS is to release the vessel from the well to save lives; if this can be done without polluting, that is a bonus, but the focus is on saving lives first. Commenters asserted that the operations at the time, together with the weather conditions, etc., should dictate what EDS sequence is used, not a prescriptive rule.

- *Response:* BSEE agrees that the primary focus of the EDS, and many other well control systems, is to save lives in addition to preventing environmental harm. The sequencing of the dual shear rams should be set by the operator to function in a reasonable timeframe. If the emergency functions are being activated, then the well-control situation has been analyzed by the rig personnel and the options to control the well have become limited to the emergency functions. These provisions are intended to ensure the safety of the crew and prevent pollution, and therefore require that the emergency functions utilize all of the appropriate components to assist in securing and moving off the well. Thus, no revision to the rule is needed in response to this comment.

Comments Related to Proposed § 250.734(a)(6)(v)—Sufficient Delay

Summary of comments: Commenters requested that BSEE specify the longest period that will be considered "sufficient delay" for closing the upper ram, and suggested that "sufficient delay" should be the time required to detect the failure of the lower shear ram to hold pressure. The upper shear ram should then be required to close as soon as possible upon the failure to close the lower shear ram.

- *Response:* BSEE does not specify the timing associated with the sequencing in paragraphs (a)(6)(iv) through (vi). The precise sequencing and timeframes for each BOP component to function should be set by the operator based on the specific circumstances (*e.g.,* an operator may choose to use a risk assessment to determine the optimal timeframes).

Comments Related to Proposed § 250.734(a)(6)(vi)—Emergency Control Systems

Summary of comments: A commenter noted that this paragraph would result in additional complexity due to the necessary addition of a timing circuit; this results in less reliability and possibly more failures of the shearing circuit. It also requires more stack mounted accumulators, which are also more likely to fail and render the shear rams inoperable. A commenter suggested that BSEE revise paragraph (a)(6)(vi) by adding, "[e]mergency disconnect systems are allowed to be activated manually, but once activated must lead to a failsafe state." Commenters asked for clarification of the intent of paragraph (a)(6)(vi) and raised concerns about the reference to the "logic" of the emergency system potentially preventing the next step in the sequence.

- *Response:* BSEE agrees with the commenter that the control system for the emergency functions should be fail-safe once activated, and has revised final paragraph (a)(6)(vi) by removing the phrase "and the logic must provide for the subsequent step to be independent from the previous step having to be completed" and replacing it with the phrase "once activated." This change would allow the systems to be fail-safe without the addition of a timing circuit as suggested by this comment.

Comments Related to Proposed § 250.734(a)(7)—Acoustic Control Systems

Summary of comments: Commenters raised concerns about unintended consequences of this provision, which requires demonstration that an acoustic control system will function in the proposed environment and conditions, asserting that if a failure of the acoustic system results in mandatory repairs for the BOP stack, then operators will be encouraged to reduce the emergency capability of the rig by removing the acoustic system. Commenters recommended that, if operators install an acoustic system, it should be treated as a redundant system allowed under § 250.738(o) or that BSEE should allow the operators to assess the risks of continuing without the acoustic system and act accordingly. A commenter noted that acoustic systems have good potential for secondary, emergency control of the BOP, but that their reliability is not fully established. Thus, according to the commenter, there is a need to conduct a trial of the acoustic systems to evaluate their full potential and BSEE should not penalize the operator if the system fails to perform.

- *Response:* BSEE agrees that the operator should not be penalized if it has already voluntarily decided to install an acoustic system on the rig but does not use the system; however, if the operator chooses to use an acoustic control system, the operator must meet the requirements of § 250.734(a)(7) to demonstrate that the system is functional. Accordingly, BSEE has revised final § 250.734(a)(7) by replacing the word "install" with "use," which will clarify that an operator need not demonstrate the functionality of the acoustic system unless the operator uses that system as an additional emergency control measure (in addition to the required autoshear, deadman and EDS systems). In any case, the commenter's concern that a failure to demonstrate the functionality of the acoustic system would result in mandatory repairs to the BOP stack (and thus would encourage removal of the acoustic system) is unfounded; nothing in this provision requires or suggests that the BOP stack would need to be pulled for repairs if that demonstration cannot be made. Additionally, an operator may contact the appropriate District Manager, who can address any questions about the use of an acoustic control system on a case-by-case basis.

Comments Related to Proposed § 250.734(a)(8)—Enable Buttons

Summary of comments: Commenters observed that not all BOP control panels use enable buttons. Many older surface and subsea control systems are manually controlled, which does not permit the use of enable buttons; however, these require two-handed operation of the critical functions. They also noted that API Standard 53 addresses two-handed operation, but not enable buttons. The commenter recommended that BSEE remove the proposed requirement for enable buttons from this section or add references to the relevant provisions in API Standard 53.

- *Response:* BSEE agrees with the comment that there are other options, besides enable buttons, to ensure two-handed operation for critical functions on the control panels. Accordingly, BSEE has revised final § 250.734(a)(8) to state that "[y]ou must incorporate enable buttons, or a similar feature, on control panels to ensure two-handed operation for all critical functions." This change would provide the flexibility to allow for other options besides enable buttons.

Comments Related to Proposed § 250.734(a)(11)(ii)—Critical BOP Equipment

Summary of comments: Commenters recommended that BSEE revise this proposed provision to clarify the meaning of "critical BOP equipment" consistent with API Standard 53. The commenters also noted that the term "competent person" is defined in API Standard 53 as: "person with characteristics or abilities gained through training, experience, or both, as measured against the manufacturer's or equipment owner's established requirements." These commenters also recommended changing the language in proposed paragraph (a)(11)(ii), requiring a "comprehensive knowledge of BOP hardware and control systems," to "a knowledge of BOP hardware and control systems commensurate with their responsibilities." A commenter also suggested that established guidelines are needed for measuring comprehensive knowledge of BOP hardware and control systems, and that additional time beyond the proposed 90 days for compliance is needed if testing or certain training classes are required. Another commenter advocated that BSEE require the equipment owner to establish minimum requirements for personnel authorized to operate critical BOP equipment.

- *Response:* BSEE does not agree that any changes to this paragraph are appropriate based on the comments. Section 250.734(a)(11) is essentially a performance-based requirement, and several of the changes suggested by commenters would unnecessarily confine operators in deciding how best to meet the goals established by this provision. Thus, BSEE has decided not to define the term "critical BOP equipment;" however, the discussions of critical BOP equipment in API Standard 53 could be used by an operator as a guide to understanding the scope of critical equipment.

Similarly, BSEE does not agree that the other suggested changes to paragraph (a)(11)(ii) are appropriate because such changes could unnecessarily limit the scope of the required personnel knowledge. BSEE does not expect that the "comprehensive knowledge" required by § 250.734(a)(11)(ii) would necessarily include knowledge of BOP hardware and control systems that are so far outside the scope of an individual's current or potential responsibilities that there is no reasonable possibility that the individual would ever be called on to operate such equipment; however, BSEE believes it is important that all personnel operating critical BOP equipment understand how their specific responsibilities fit within the BOP system as a whole. Overly narrow understanding of the whole system, including hardware and controls, could result in personnel not understanding the importance of their own duties to the success of the system in preventing a blowout.

BSEE also does not agree that the compliance timeframe for this paragraph should be changed. Commenters provided no factual basis for such a change. In addition, BSEE expects BOP operating personnel to be familiar with their responsibilities and to be trained in accordance with the applicable requirements of 30 CFR part 250, subparts O and S (*e.g.*, 250.1503(a)). Ensuring the competency of rig personnel to perform their assigned duties is also consistent with current industry standards (*see, e.g.*, API RP 75).

BSEE also does not agree with the suggestion that the responsibility for compliance with § 250.734(a)(11) should be transferred from the facility operator to some "equipment owner" who may not be familiar with the specific circumstances under which the BOP equipment will be used.

Comments Related to Proposed § 250.734(a)(12)—Riser Fluid Displacement

Summary of comments: Commenters noted that the proposed requirement that fluid in the riser be displaced with seawater before the riser is removed did not include an exception for emergency or unplanned LMRP disconnects in which the fluid in the riser would not be displaced. Commenters suggested displacing the riser fluid using a closed volumetric visual control systems to observe fluid gains and losses.

- *Response:* BSEE is not revising paragraph (a)(12). BSEE expects that operators will plan for riser displacement as appropriate and based on safety factors. BSEE expects the operator to take whatever appropriate action is needed in an emergency situation to ensure safety of workers and protection of the environment.

Comments Related to Proposed § 250.734(a)(13)—Well Cellars

Summary of comments: Commenters requested clarification of the proposed requirement to install a BOP stack in a well cellar when in an ice scour area. The commenters seek to ensure that this would only require that the well cellar be deep enough to ensure that the lower BOP stack—but not the lower stack and LMRP—is enclosed. Another commenter observed that this proposed requirement is addressed in, and would conflict with, the proposed Arctic OCS rule; thus, it should be removed from this rulemaking.

- *Response:* BSEE has not made any changes to § 250.734(a)(13). The commenter did not specify how this provision conflicts with the proposed Arctic OCS rule. It is BSEE's expectation that the top of the BOP stack (not including the LMRP) must be set below the deepest possible ice scour depth. The LMRP can be disconnected from the BOP stack and would be removed if the rig has to move off location, leaving just the BOP stack in place.

Comments Related to Proposed § 250.734(a)(14)(iii)—Fail-Safe Valves and Side Outlets

Summary of comments: Commenters recommended adding to the proposed provision in paragraph (a)(14)(iii)—regarding valves used in side outlets for choke lines and kill lines—that the valves must be fail-safe. Another commenter recommended revising paragraph (a)(14)(iv) to require installation of the side outlet below the lowest sealing shear ram instead of below each sealing shear ram.

- *Response:* No changes to § 250.734(a)(14)(iii) are necessary regarding the valves being fail-safe. BSEE understands that these valves are already fail-safe closed. However, BSEE agrees with the comment about paragraph § 250.734(a)(14)(iv) and has revised final paragraph (a)(14)(iv) by replacing "each" sealing ram with "the lowest" sealing ram to allow more flexibility for component placement.

Comments Related to Proposed § 250.734(a)(15)—Gas Bleed Line

Summary of comments: Regarding the proposed requirement to install a gas bleed line with valves for the annular preventer, commenters noted that many existing annular BOPs do not have a side outlet. They asserted that every valve and every outlet added to the BOP systems increases potential leak paths and reliability concerns. A commenter proposed that, if BSEE did not remove this section, it should be re-worded to pertain only to the uppermost annular preventer.

Another commenter emphasized that, because the upper annular is traditionally the working annular, the bleed valves are typically installed below the upper annular. Other commenters asserted that adding another set of gas bleed valves under the lower annular would require additional pilot lines and valves per pod, and that spare pilot lines and valves are limited and may be needed for higher priority pipe ram or shear ram functions. This commenter requested that BSEE clarify the technical reason for adding a set of gas bleed valves under the lower annular in this situation.

Commenters also requested additional time to install the gas bleed line and valves. Commenters asserted that the lead times for engineering, component procurement and installation of an additional valve for gas relief under the lower annular would preclude compliance with the rule within 90 days.

- *Response:* BSEE agrees with several of these comments, and has revised final § 250.734(a)(15) to clarify that if a subsea BOP has dual annulars, the gas bleed line must be installed below the upper annular. BSEE has also removed the proposed requirement to install gas bleed lines on each annular. These revisions should eliminate or minimize commenters' concerns about space issues, reliability, and addition of possible failure points. BSEE also agrees that it will take more than the proposed 90 days to install the required gas bleed lines and valves, and revised the compliance date for paragraph (a)(15) to 2 years after publication of the final rule. Extending the compliance date will provide adequate time for installation of the gas bleed line and valves while avoiding any rig downtime.

Comments Related to Proposed § 250.734(a)(16)—BOP System Capabilities

Summary of comments: Commenters criticized the prescriptive language in proposed § 250.734(a)(16)(i) through (iii), and questioned whether the intent is to require that shear rams must be able to sever the pipe, and seal the pipe, regardless of where the pipe is within the bore. The commenters said that if this is what BSEE wants to achieve, then the regulation should state that.

Commenters also asked why, if the pipe does not need to be centralized to shear it, require centralization of the pipe? Commenters noted that not all OEMs require a mechanism for centering tubulars, and that centralization can be achieved via the geometry of the blade design.

A commenter suggested that the proposed text steers technology development in a specific direction which may inhibit development of other technologies. On the other hand, another commenter stated that BSEE explicitly notes that this requirement is designed to encourage further technological development, driving safety improvements beyond current industry practice.

- *Response:* No changes to § 250.734(a)(16) are necessary based on these comments. BSEE understands that some rams may be capable of shearing on the rams' cutting edges, without centralizing the pipe. However, it is safer to have the pipe centered while shearing in order to optimize shearing capabilities and reduce risk by ensuring that the pipe to be sheared is across the shearing surfaces. It is not BSEE's intention to inhibit applicable technological advancements, however; in fact, BSEE believes this performance-based requirement will encourage development and use of technology to center the pipe while shearing. Moreover, nothing in this requirement expressly or implicitly discourages development of other new technologies to improve shearing capabilities and decrease risk. Any operator that wishes to do so, may seek approval from the District Manager or Regional Supervisor under § 250.141 for use of any alternative equipment or procedures that are at least as protective as this requirement.

Comments Related to Proposed § 250.734(a)(16)(ii)—Ability To Mitigate Compression

Summary of comments: A commenter asserted that the proposed requirement that the subsea BOP have the "ability to mitigate compression" of the pipe stub is too vague. The commenter asserted that the critical factor is the ability of the BOP to accept the pipe stub and suggested that BSEE revise the rule to reflect that.

- *Response:* BSEE has not made any changes to § 250.734(a)(16)(ii) based on the comment. Mitigating the compression of the pipe stub would allow for the pipe stub to be accepted between the shear rams and would not interfere with the shearing functions.

Comments Related to Proposed § 250.734(a)(16)(iii)—Batteries

Summary of comments: Commenters suggested revising this paragraph to require "subsea control system batteries" instead of "subsea electronic module batteries in the BOP control pods," noting that there are other batteries used in BOP equipment (*e.g.*, an acoustic pod, a deadman system).

- *Response:* BSEE has not made any changes to § 250.734(a)(16)(iii) based on the comment. BSEE understands that the subsea electronic module is an important component to ensure operability of the subsea BOP. However, the commenter did not provide any support for its requested change, and BSEE currently lacks enough information to justify such a change.

Comments Related to Proposed § 250.734(b)(1)—BAVOs

Summary of comments: Commenters observed that, since this section requires a verification report from a BAVO "documenting the repairs to the BOP and that the BOP is fit for service," it cannot be implemented until BSEE approves a suitable number of organizations to serve as BAVOs.

Commenters also asserted that the operator should have primary responsibility for certifying the required documentation, and that the BAVO should support such certification by verifying the information provided by the operator. Other commenters recommended changing the requirement to use a BAVO to a requirement to use an "independent third-party."

- *Response:* As previously discussed, BSEE has revised the compliance date for the use of a BAVO to one year after BSEE publishes a list of BAVOs. Part III of this document provides a more detailed discussion of this compliance date.

In addition, as previously discussed, this and the other BAVO-related provisions do not eliminate or transfer the operator's regulatory responsibilities to the BAVO; the operator is responsible for ensuring compliance with § 250.734(b). As explained earlier in this document, BSEE has decided that it is necessary that BSEE review and determine the qualifications of organizations that will perform this verification function.

Comments Related to Proposed § 250.734(b)(2)—BOP Testing

Summary of comments: Regarding the proposed requirement to re-test the BOP, including the deadman or lower stack ROV intervention functions, upon relatch after subsea BOP repairs, a number of commenters stressed that when the LMRP is retrieved, it is not necessary to re-test those functions. They asserted that the deadman and ROV systems were tested on the surface and subsea upon initial installation and that, after repair, if the systems are tested on the surface before redeployment, a re-test after re-latching should not be required. They also stated that API Standard 53 does not specify re-testing under such circumstances. The commenters stated that subsea testing of the deadman system with a dynamically-positioned rig is a high consequence operation, and the more times the test is performed, the higher the probability a station-keeping incident will occur. They also stated that these tests would lead to additional unnecessary wear on blind shear rams and reduction of overall system reliability.

Some commenters agreed, however, that if any part of the deadman or ROV systems is dismantled, repaired, or affected as part of the BOP repair, then it would be prudent to verify functionality of these systems upon re-latching. Commenters recommended that BSEE revise this section to change re-testing of the deadman and ROV intervention functions to re-testing of any functions affected during the repair.

- *Response:* BSEE intends that, if the BOP stack is pulled for repair to any part of the BOP system, testing must be completed before resuming operations. However, BSEE agrees with several of the points made by the comments; thus, BSEE has revised final § 250.734(b)(2) to state that, upon relatch of the BOP, an operator must perform an initial subsea BOP test in accordance with § 250.737(d)(4), including testing the deadman. If repairs take longer than 30 days, once the BOP is on deck, you must test in accordance with the requirements of § 250.737. These revisions will effectively limit the scope of the re-testing requirement—and therefore the potential negative consequences from excessive wear caused by re-testing—by requiring comprehensive re-testing of all BOP components, including ROV functions, only when repairs exceed 30 days. For all repairs lasting 30 days or less, this revised provision would require less extensive re-testing; for example, re-testing under this situation would not need to cover all ROV intervention functions and would require retesting of only one set of rams (instead of all rams).

In addition, the commenters' concern about the possibility that re-testing would increase the probability of a dynamically-positioned rig going off-station is minimized by the fact (as discussed later in this document with regard to proposed § 250.737(d)(13)) that many rigs already have updated BOP control systems that allow power to other systems, including dynamic positioning systems, to remain on during deadman testing.

What associated systems and related equipment must all BOP systems include? (§ 250.735)

As provided for in the proposed rule, this section combines and revises provisions from several sections of the existing regulations and consolidates system and equipment requirements applicable to all BOPs. Those requirements cover accumulator systems, control station locations, choke and kill line installation, and remotely-operated locking devices for sealing rams on surface BOPs (except pipe or variable bore rams that already have non-hydraulically operated locks). BSEE has revised certain provisions of proposed § 250.735 in the final rule as discussed in the comment responses for this section and in parts V.B.2 and V.C of this document.

Comments Related to Proposed § 250.735(a)—Surface Accumulator System

Summary of comments: Multiple commenters suggested that the accumulator system volume capacity requirements of proposed § 250.735(a) contradict the analogous provisions of API Standard 53 and API Spec. 16D, that the proposed capacity requirements are not achievable, and that the proposed language is so ambiguous that operators could not understand the rule's intent. Multiple commenters stated that the proposed requirement that surface accumulators must provide 1.5 times the volume of fluid capacity necessary to close and hold closed all BOP components against MASP (the 1.5 times volume capacity requirement) could effectively force the elimination of some BOP components from existing BOP systems, and thus either reduce the number of redundant controls or require operators to install additional equipment.

Several commenters asserted that the proposed requirements would increase the number of accumulator bottles needed, would require upgraded accumulator system controls, and would significantly increase costs. Also, the commenters asserted that the extra weight from additional bottles, given limited deck space availability, could cause structural issues with the rig. Further, the commenters asserted that this additional equipment would require additional maintenance and potentially render the systems less reliable. For certain older rigs, the commenters stated that the additional requirements could force the removal of the rigs from service.

For such reasons, multiple commenters recommended deleting the proposed 1.5 times volume capacity requirement and requiring instead that surface accumulator sizing meet the specifications of API Standard 53 or API Spec. 16D (since the methods discussed in API Spec. 16D are also included in API Standard 53).

- *Response:* BSEE agrees with several of the commenters' concerns. BSEE has decided to revise final § 250.735(a) by deleting the 1.5 times volume capacity requirement for all surface accumulators and instead requiring that all accumulator systems (including those servicing subsea BOPs) meet the sizing specifications of API Standard 53. This revision will not degrade safety or environmental protection compared to the proposed requirement. BSEE has determined that the methods for calculating the necessary fluid volumes and pressures in API Standard 53 provide an acceptable amount of usable fluid and pressure to operate the required components, while still ensuring—as required by § 250.735(a)—that accumulators have enough charge to remain at least 200 psi above the pre-charge pressure, without recharging, even after operating all BOP functions. This provides a sufficient margin of error to prevent any safety or environmental harm from failure of pressure to the BOP and is also consistent with API Standard 53.

Comments Related to Proposed § 250.735(a)—API Standard 53

Summary of comments: Some comments stated that § 250.735(a) is inconsistent with API Standard 53 in other ways; for example, API Standard 53 does not require accumulator regulators on subsea BOP stacks to be supplied by rig air.

- *Response:* This regulation does not require that subsea accumulators be supplied by rig air. It merely imposes certain requirements "if" subsea accumulators are supplied by rig air. BSEE understands that rig air is used for surface accumulators and not subsea. In addition, as discussed elsewhere in this document, BSEE has made several revisions to final § 250.735(a) to align the rule more closely with API Standard 53.

Comments Related to Proposed § 250.735(a)—Surface Accumulator System

Summary of comments: Multiple commenters expressed concern with the requirement in proposed § 250.735(a) that the accumulator system be able to supply pressure to operate all BOP functions, and to shear pipe as the last step in the BOP sequence, without assistance from a charging unit. They asserted that this provision would increase the number of accumulator bottles needed and would require upgraded accumulator system controls and that costs associated with the additional bottles would be significant. The commenters also stated that the extra weight from additional bottles, given limited deck space availability, could cause structural issues with the rig.

- *Response:* BSEE agrees with the commenters' concerns about the proposed requirement that the accumulator system be able to operate all BOP functions, with the blind shear ram being last in the sequence, and still have enough pressure to shear pipe and seal the well. Accordingly, BSEE has revised § 250.735(a) by replacing "all BOP functions" with "the BOP functions as defined in API Standard 53." Revising the BOP functions in response to the comments to align with API Standard 53, in conjunction with the revisions to the fluid capacity volume requirements previously discussed, will eliminate or significantly reduce the commenters' concerns about the costs associated with the additional bottles. In particular, because the final rule requires that the accumulator bottles be able to operate the BOP functions as defined by API Standard 53, fewer accumulator bottles should be needed (as compared to the proposed requirement), as the commenters indicated. This, in turn, will minimize (as compared to the proposed rule) the potential impacts on the rig structure that could have resulted from the extra weight of additional bottles as well as the potential impacts on operations and safety from storage of the bottles in the limited deck space available.

For the same reasons, BSEE has also removed the phrases "with the blind shear ram being the last in the sequence" and "enough pressure to shear pipe and seal the well with . . ." from final § 250.735(a). Removing these phrases will eliminate the impression that the proposed language would have mandated that the blind shear ram be the last step in the BOP sequence. In addition, BSEE agrees that the proposed language regarding sequencing of the blind shear ram is not necessary, as long as the accumulator is able to provide sufficient volume to operate all the required BOP functions under MASP.

Comments Related to Proposed § 250.735(a)—Surface Accumulator System

Summary of comments: A commenter recommended changing "surface accumulator system" to "main accumulator system." The commenter asserts that this will ensure that other surface accumulators (*e.g.*, for the diverter system) are not included and will allow for subsea accumulators that are used by the main control system (*e.g.*, LMRP mounted) to be included on subsea stacks.

- *Response:* BSEE agrees that proposed § 250.735(a) could have resulted in confusion about the types of accumulator systems to which the requirements applied. Accordingly, BSEE has revised final § 250.735(a) by replacing "surface accumulator system" with "[a]n accumulator system (as specified in API Standard 53)." This revision will help clarify that the accumulator system requirements of paragraph (a) are applicable to either a surface or subsea BOP system (as discussed in API Standard 53).

Comments Related to Proposed § 250.735(b)—Automatic Backup to the Primary Accumulator Charging System

Summary of comments: Commenters stated that this proposed paragraph—which would require "an automatic backup to the primary accumulator-charging system"—was unclear. They requested clarification on the meaning of the phrase "automatic backup to the primary accumulator charging system." They asked BSEE to answer several questions about the meaning of this phrase in several specific factual situations; *e.g.*, whether, assuming a charging system is an electric-driven pump, the automatic backup requirement would apply if the electric-driven pump is also capable of being powered from the emergency bus instead of the primary power generation from the rig.

Commenters also claimed that, if the proposed requirement for an automatic power source is intended to require a second complete pumping unit, the time needed to procure and install such equipment would preclude compliance within the proposed 90 days. Other commenters recommended that BSEE delete paragraph (b) altogether and instead simply reference API Standard 53 and API Spec. 16D.

- *Response:* No changes to the requirements for an automatic backup to the primary accumulator charging system in § 250.735(b) are necessary. In fact, the requirements in § 250.735(b) have been in place—in former § 250.443(a)—for years, and BSEE is not aware of any problems occurring because of confusion about the automatic backup to the primary accumulator charging system. Nor is it necessary to incorporate API Spec. 16D into paragraph (b). This regulation requires minimum capabilities, and if compliance with API Spec. 16D or other industry standards meets these minimum requirements, there is no reason why an operator could not follow that standard.

Comments Related to Proposed § 250.735(e)—Kill Line

Summary of comments: Multiple commenters stated that the placement of the term "kill line" in proposed § 250.735(e) was confusing and recommended that BSEE refer to the language in API Standard 53 instead.

- *Response:* BSEE agrees that proposed § 250.735(e) was not clear. Accordingly, BSEE has revised § 250.735(e) to clarify that the kill line must be installed beneath at least one well-control ram, and may be installed below the bottom ram. This clarification will avoid confusion related to the fact that many BOP stacks use a test ram (which is not a well-control ram) in the bottom-most part of the BOP.

Comments Related to Proposed § 250.735(g)—Hydraulically Operated Locking Devices

Summary of comments: Multiple commenters urged that this provision—regarding hydraulically operated locks installed on BOPs with sealing rams (*i.e.*, pipe rams/VBRs or blind shear rams)—distinguish between surface and subsea BOP stacks. Some commenters noted that locking devices for ram-type BOPs are already addressed in § 250.733(e). Some commenters indicated that surface stacks can use manual locks, while subsea BOP stacks should use hydraulic locks. Other commenters observed that since most surface stacks do not use hydraulic rams, installation of hydraulic locks in compliance with this provision would require 3 years from publication of the final rule, while other commenters stated that the proposed requirement (and proposed § 250.733(e)) would be unduly costly. One commenter recommended that BSEE replace the proposed requirement for hydraulic locks with a requirement for remotely-operated locks.

- *Response:* BSEE agrees with several of the observations made by the commenters. In particular, BSEE agrees that the purpose of the proposed rule—to ensure that sealing rams on surface BOPs, as well as subsea BOPs, can be locked promptly and with minimal risk to rig personnel—can be effectively achieved with various kinds of locking devices appropriate to each type of BOP (surface or subsea) and to each type of sealing ram. For subsea BOP sealing rams, hydraulic locks will continue to be appropriate, since those rams are already required to be hydraulically operated (under both former § 250.442(a) and new § 250.734(a)(1)) and since existing locking devices for those rams are also hydraulically operated.

For surface BOPs, however, other locking devices can achieve the same purpose as hydraulic locks with no incremental loss of personnel safety or environmental protection. As suggested by one of the commenters, other types of remotely-controlled locks could also ensure that sealing rams can be locked without exposing rig personnel to unnecessary risk. BSEE has determined that any remotely-controlled lock (whether or not hydraulically operated) is appropriate for blind shear rams on surface BOPs. This requirement will help prevent potential blowouts and reduce the risk of personnel having to be in or near a potentially hazardous area during an emergency event by making it unnecessary for them to manually operate manual locks.

By contrast, pipe rams and VBRs on surface BOPs can be safely and effectively locked manually, as they have been under former § 250.443(f), or remotely. BSEE is not aware of any well-control incident that was directly related to failure of a surface BOP manual lock; nor is BSEE aware of any personnel safety incident resulting from operation of a manual lock on pipe rams or VBRs. Thus, given the past effectiveness of manual locks, BSEE has determined that it is not necessary at this time to require hydraulic or other remotely-controlled locks on surface BOP pipe rams/VBRs.

Accordingly, BSEE has revised final § 250.735(g) to distinguish between surface and subsea BOPs, and to provide operators with more flexibility in their choice of locking mechanisms for sealing rams on surface BOPs. Specifically, the final rule will require hydraulic locks for all subsea BOP sealing rams, remotely-operated locks for surface BOP blind shear rams, and manual or remotely-controlled locks on surface BOP pipe rams/VBRs.

In addition, BSEE understands that the requirement to install remotely-controlled locks (whether or not hydraulically operated) on surface BOP blind shear rams would take significantly more time than 90 days from publication of the final rule, due to the need to procure enough of the necessary equipment as well as to practical and logistical problems with installation. For example, as implied by the commenters, installation of hydraulic locks on BOP surface stacks that do not have hydraulic rams would take substantially more time because hydraulic systems to control the locks in those cases will also need to be added to the BOP stack. BSEE also agrees that failure to install hydraulic or other remotely-controlled locks by the proposed compliance date could result in significant rig downtime. Accordingly, BSEE has determined that 3 years after publication of the final rule is an appropriate timeframe for acquiring and installing all of the necessary systems and equipment to meet the requirement for surface BOP blind shear rams, and has revised the compliance date in final § 250.735(g)(2) accordingly.

What are the requirements for choke manifolds, kelly-type valves, inside BOPs, and drill string safety valves? (§ 250.736)

As provided for in the proposed rule, this section reflects a combination of provisions from several sections of the existing regulations that established technical requirements for choke manifolds, kelly valves, inside BOPs, and drill string safety valves. This final rule makes several revisions to the former requirements with respect to choke manifolds and kelly-type valves. BSEE has revised certain provisions of proposed § 250.736 in the final rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed §§ 250.736(a) Through (c)—API Standard 53

Summary of comments: A commenter recommended that BSEE revise proposed § 250.736(a) to rely on API Standard 53 for the design and operation of the choke manifold. The commenter also suggested that BSEE delete proposed paragraphs (b) and (c) because the matters they cover would already be covered by the reference to API Standard 53 in paragraph (a).

Another commenter asked whether it was BSEE's intent, in proposed § 250.736(b), that all choke manifold components, including valves downstream of the chokes, be rated for the full working pressure of the BOP stack.

- *Response:* BSEE disagrees with the recommended revisions to § 250.736(a) through (c). These paragraphs describe general requirements for the choke manifold. Nearly identical requirements have been in place for many years (formerly in § 250.444), and BSEE is not aware of industry raising any prior concerns with implementing those longstanding requirements. With regard to paragraph (b), the need to ensure that all choke manifold components are able to withstand the wellbore pressures that they will encounter is as important under this final rule as it was under the existing regulation. Nonetheless, if an operator has any questions about the meaning of this longstanding requirement, it can ask the District Manager for assistance.

Comments Related to Proposed § 250.736(d)—Kelly Valves

Summary of comments: Commenters recommended that BSEE revise this paragraph to clarify that it only applies to rigs that operate with kelly valves. One commenter asserted that proposed § 250.736(d)(1) requires the use, "during all operations," of "a kelly valve installed below the swivel" even though kelly valves are no longer in widespread use in offshore drilling operations. Similar comments claimed that kelly valves are seldom used and have limited applications in OCS operations because almost every rig on the OCS now uses drill pipe instead of kelly valves. For that reason, one commenter recommended that BSEE delete proposed paragraphs (d)(2) and (3), since these provisions are obsolete. Similarly, some commenters asserted that the methodology required in proposed paragraph (d)(3) has been rendered obsolete by the proven use and operation of top drives.

- *Response:* BSEE agrees with the comments about the limited application of kelly valves and has revised final § 250.736(d)(1) by replacing the references to kelly valves with the phrase "applicable [k]elly-type valves as described in API Standard 53." For the same reason, BSEE has deleted paragraphs (d)(2) and (3) from final § 250.736. BSEE has determined that the reference to API Standard 53 specifications for kelly-type valves in paragraph (d)(1) renders paragraphs (d)(2) and (3) unnecessary.

Comments Related to Proposed § 250.736(d)(4)—Top-Drive Systems

Summary of comments: Commenters stated that proposed paragraph (d)(4)—requiring a strippable kelly-type valve on a top-drive system with a remote-controlled valve—is more specific than API Standard 53, and that BSEE should simply reference API Standard 53.

- *Response:* BSEE disagrees with the comments suggesting changes to § 250.736(d)(4). This provision has been in the existing regulations for many years (*i.e.,* in former § 250.445(d)) and BSEE does not believe that incorporating API Standard 53 would improve safety or environmental protection as compared to the former regulations and this final rule. In addition, BSEE is unaware of prior industry concerns associated with the equipment required by this longstanding requirement. Thus, there is no need to add the reference to API Standard 53 suggested by the commenter.

What are the BOP system testing requirements? (§ 250.737)

As provided for in the proposed rule, this section combines and revises various BOP testing requirements from the existing regulations. Paragraph (a) reorganizes and consolidates the pressure testing frequency requirements for drilling, workovers, completions, and decommissioning. Paragraph (b) requires certain pressure test procedures while paragraph (c) clarifies the duration of the pressure tests. Paragraph (d) further clarifies testing procedures for various situations and equipment (*e.g.,* stump testing, initial subsea testing, ram and annular testing). BSEE has revised certain provisions of proposed § 250.737 in the final rule as discussed in the comment responses for this section and in parts V.B.6 and V.C of this document.

Comments Related to Proposed § 250.737(a)(1)—Installation BOP Test

Summary of comments: A commenter requested clarification that proposed § 250.737(a)(1) only requires a full BOP pressure test upon an initial installation, not subsequent installations following repairs or unplanned pulls. The commenter mentioned that studies have demonstrated that most faults are discovered during function testing; based on these findings, function testing is more valuable than pressure testing in measuring operability of the system.

- *Response:* The language requiring a pressure test when a BOP is installed is the same as the longstanding language in former § 250.447(a) and requires no clarification at this time. There is no change in the meaning or intent of that requirement, now located in § 250.737(a)(1). In addition, BSEE is aware that BOP failures during pressure testing happen, and therefore it is important to pressure test to help verify the integrity of the BOP system to ensure it can function as intended.

Comments Related to Proposed § 250.737(a)(2)—14-Day BOP Pressure Test

Summary of comments: BSEE received a number of comments on the proposed requirement in § 250.737(a)(2) that BOP pressure tests be conducted before 14-days have elapsed since the prior test, and no later than 30 days after since the last blind shear ram BOP pressure test. One commenter supported more frequent BOP pressure tests of 7 days for all BOPs used in Arctic OCS operations. However, other commenters supported less frequent BOP pressure testing. Commenters cited the provisions of API Standard 53, which recommends a 21-day BOP test cycle for shear ram BOPs, as well as international industry best practices, in support of longer pressure test intervals. Multiple commenters pointed out that less frequent testing would mitigate wear and tear on the equipment from the testing itself, and wear and tear adversely affects long-term reliability of the equipment and thus increases the risks from equipment failure.

- *Response:* BSEE has not made any changes from the 14-day testing requirement in the proposed and existing regulations. BSEE did not receive any new supporting data with any comments that would support changes to the existing 14-day testing interval at this time. Although BSEE is aware of concerns that the more frequently BOPs are tested, the more likely the equipment is to wear out prematurely, and thus to fail to operate properly when needed, further study, research, and discussions with subject matter experts is needed for BSEE to make a determination that it is appropriate to change the general 14-day testing requirement. An operator that believes a different interval is warranted by special circumstances, however, may seek approval from the District Manager or Regional Supervisor to use an alternative procedure in accordance with § 250.141. More details concerning this issue are contained in part V.B.6 of this document.

Comments Related to Proposed § 250.737(a)(4)—District Manager Directed BOP Pressure Test

Summary of comments: BSEE received one comment on proposed paragraph (a)(4), objecting to the BSEE District Manager having the authority to increase BOP testing frequency.

- *Response:* Like similar provisions throughout 30 CFR part 250, § 250.737(a)(4) is intended to give District Managers the necessary flexibility and discretion to require actions as needed in specific cases to fulfill the purposes of the regulation, and BSEE is therefore not making any changes to proposed paragraph (a)(4). In any case, this provision is identical to the longstanding language in the current regulations (*i.e.*, former § 250.447(b)), and BSEE is unaware of any significant concerns raised by operators in connection with District Managers exercising this authority.

Comments Related to Proposed § 250.737(b)—BOP Pressure Test Procedures

Summary of comments: Another commenter recommended that BSEE require an additional ram low pressure test after the completion of the high pressure test. The recommended ram testing sequence would be, in this case, low pressure, high pressure, and low pressure. The commenter stated that it is possible to tear the packing element elastomer seal during high pressure test such that it might not seal again during a low pressure test.

- *Response:* The pressure test procedures reflected in the rule have been in place for many years (formerly in § 250.448), and BSEE is not aware of issues created by, or operators raising any concerns with, those procedures. BSEE is also unaware of any new data supporting a change in the procedures and is therefore not revising § 250.737(b) as suggested.

Comments Related to Proposed § 250.737(b)(2)—BOP High Pressure Test

Summary of comments: Commenters noted that this provision does not differentiate between initial and subsequent testing, noting that proposed § 250.737(d) requirements for subsea BOPs differentiate between stump, initial and subsequent testing, all of which utilize different test pressures. Another commenter asked BSEE to clarify proposed paragraph (b)(2) to confirm that the blind shear rams will only be tested to the high-pressure for the well at initial installation, and that subsequent tests will be performed to the casing test pressure.

- *Response:* BSEE has not made changes to proposed § 250.737(b)(2), which is largely based on the longstanding requirements for BOP testing in the current rules (former § 250.448(b)), including blind shear ram testing. BSEE does not agree that the clarification requested by the commenter is necessary. BSEE discusses the additional testing requirements for subsea BOPs in more detail later in response to comments on proposed § 250.737(d). If an operator has any questions about testing specific components, it may contact the appropriate District Manager for guidance.

Comments Related to Proposed § 250.737(b)(3)—Annular BOP High Pressure Test

Summary of comments: A commenter suggested that the words "lesser of the" are missing from this paragraph, noting that hydrostatic pressure should also be accounted for in subsea tests by deducting that pressure from the surface applied pressure.

- Response BSEE has not made any changes to § 250.737(b)(3). That provision allows the operator to choose between 70 percent of the RWP or 500 psi greater than the calculated MASP for its high pressure test. The operator is free to use the lesser of those pressures if it so chooses, and no changes to the regulatory language are required to allow that. In addition, the hydrostatic pressure is already accounted for in the subsea BOP test, because it is added to the applied surface pressure to equal the MASP at the mudline.

Comments Related to Proposed § 250.737(b)(3)—Annular BOP High Pressure Test

Summary of comments: Another commenter recommended that the pressure test on the annular should be to a minimum of 70 percent of the RWP, stating that at times the annular is tested in excess of 70 percent of the working pressure, while not exceeding the RWP.

- *Response:* BSEE has not made any changes to § 250.737(b)(3). That provision requires testing to either 70 percent of the RWP or 500 psi greater than the MASP. However, if an operator believes there are situations where testing to higher than 70 percent of the RWP is prudent and no less protective than this regulatory requirement, it may seek approval for alternative test pressures from the appropriate District Manager under § 250.141.

Comments Related to Proposed § 250.737(c)—BOP Pressure Test Duration

Summary of comments: Commenters suggested that pressure testing regimes are clearly defined in API Standard 53, and that BSEE should align the rule with API Standard 53 or at least reference that standard. A commenter also suggested that BSEE remove the use of predictive-type technology from the rule. A commenter also suggested that BSEE follow API Spec. 6A guidance on pressure stabilization.

- *Response:* BSEE has not made any changes to § 250.737(c), which is identical in most respects to longstanding requirements in the existing regulations (formerly § 250.448(c)). The comment does not identify or explain the type of predictive-type technology to which it objects; however, if it refers to the use of charts or digital recorders, BSEE notes that the existing regulations also refer to charts and recorders. BSEE is unaware of any concerns regarding conflicts with API Standard 53 or Spec. 6A for pressure testing durations or pressure stabilization. If there are any concerns surrounding the duration and method of pressure testing, operators may contact the appropriate District Manager for guidance.

Comments Related to Proposed § 250.737(c)—BOP Pressure Test Duration

Summary of comments: Other commenters noted that proposed § 250.737(c) will result in a large number of new chart recorders being ordered concurrently by industry, and that lead times for new equipment may exceed the proposed 90 days for compliance and put rigs out of compliance. These commenters requested 12 months to obtain and install the necessary equipment across all rigs.

- *Response:* BSEE has not made any changes to the compliance date for this provision. If an operator has any specific concerns about availability of equipment to meet the compliance date, it may contact the District Manager for guidance or request approval to use alternative technology or procedures under § 250.141.

Comments Related to Proposed § 250.737(d)(2)—Surface BOP Test With Water

Summary of comments: Commenters expressed concerns about the proposed requirement to use water to test a surface BOP system. Commenters agreed that water should be used for the initial test of a surface BOP, but asserted that after the initial test, the use of mud is acceptable. Commenters suggested that BSEE revise the final rule to allow the operator to select test fluid appropriate for the well conditions.

- *Response:* BSEE agrees with the comments about initially testing surface BOPs with water, then allowing other appropriate fluids to be used for subsequent testing. Accordingly, BSEE has revised final § 250.737(d)(2) by clarifying that water must be used for the initial test of a surface BOP system, but that subsequent tests may use drilling, completion, or workover fluids. The revised requirement would address the comments raised about the use of water for post-initial testing while still preserving well integrity by not reducing the hydrostatic column.

Comments Related to Proposed § 250.737(d)(2)(ii)—72-Hour Surface BOP System Test Notification

Summary of comments: A commenter also suggested that the initial test of surface BOPs should be the only applicable test requiring 72-hour notice to BSEE; subsequent testing must comply with the test frequency required by the rules, so notification to BSEE of subsequent tests should not be required.

- *Response:* BSEE agrees with the comment and has revised final § 250.737(d)(2)(ii) by clarifying BSEE's intent that the notice requirements for this paragraph apply only to the initial test.

Comments Related to Proposed § 250.737(d)(3)(iii)—72-Hour Stump Test Notification

Summary of comments: Multiple commenters recommended deleting § 250.737(d)(3)(iii), which requires the operator to notify the BSEE District Manager at least 72 hours before the stump test so BSEE representative(s) can witness the testing.

- *Response:* BSEE has not made any changes to § 250.737(d)(3)(iii). BSEE requires notification to help ensure compliance with the approved permits.

Comments Related to Proposed § 250.737(d)(3)(iv)—BOP Stump Test ROV Functions

Summary of comments: Two commenters recommended adding more specific details to paragraph (d)(3)(iv), which requires testing and verification of all ROV intervention functions on subsea BOP stacks during stump testing. The commenters suggested replacing "all ROV . . . function" with specific functions (*i.e.,* the shear ram close, one pipe ram close, and the LMPR unlock/unlatch intervention).

- *Response:* BSEE has not made any changes to § 250.737(d)(3)(iv), because the relevant ROV capabilities were revised in final § 250.734(a)(4) to reduce the scope of ROV intervention function capability to critical operations only (*e.g.,* operation of each shear ram, ram locks, one pipe rams, and LMRP disconnect), similar to API Standard 53 and those specified by the commenter.

Comments Related to Proposed §§ 250.737(d)(4)(i) and (v)—API Standard 53

Summary of comments: Other commenters asserted that the additional requirements for subsea BOP testing proposed in § 250.737(d)(4)(i) and (v) conflict with API Standard 53. Under paragraph (d)(4)(i), there is not a specified timing requirement between conducting the stump testing and the on-bottom installation test; the time between these tests is a risk-based operational decision and is determined by the operator and equipment owner. The commenter says that API Standard 53 discusses initial subsea testing and specifies blind shear ram or pipe rams only need to be functioned by an ROV, and not pressure tested, and that they only have to be tested annually.

- *Response:* BSEE has not made any changes to § 250.737(d)(4). Operators are aware and test according to the 30 day timeframe, as it is based on current § 250.449(b). The timeframe between the initial test and the stump test under § 250.449(b) provides adequate time conduct each test. Furthermore, BSEE wants to minimize time between these tests to help ensure the components and BOP system as a whole can function as intended and tested. BSEE does not agree with the commenter about only testing certain components annually as this does not provide an acceptable level of confidence that the component would function as intended.

Comments Related to Proposed § 250.737(d)(5)—API Standard 53

Summary of comments: Multiple commenters expressed several concerns with requirements in proposed § 250.737(d)(5), including: The differences between API Standard 53 and this section regarding pod and control station testing; absence of a definition of "function testing;" confusion about the pod testing rotation; and unnecessary testing of remote stations used in emergency situations.

- *Response:* BSEE agrees with some of the concerns raised by the comments, and BSEE has revised final § 250.737(d)(5)(i)(C) by deleting the phrase "and the pod used for pressure testing must be alternated between pressure tests" and inserting in its place "and 14-day pressure testing." This change will simplify and align the pod testing rotation with the required 14-day BOP pressure testing under the final rule and improve consistency between paragraphs (d)(5)(i)(A) and (B). Thus, it will resolve or minimize the concern raised by the comments regarding potential confusion over pod testing rotation and potential differences between the proposed requirement and API Standard 53.

In addition, BSEE has revised final § 250.737(d)(5)(ii) by replacing the phrase "any additional control stations must be function tested every 14 days" with "remote panels where all BOP functions are not included (*e.g.*, life boat panels) must be function tested upon the initial BOP tests and monthly thereafter." This revision addresses the commenters' concerns regarding unnecessary testing of remote stations used in emergency situations by ensuring that the EDS panels are not operated every 14 days, which could increase risk to the rig crew due to the functions that those panels operate. The additional time provided by the revised language to test these remote panels will also provide more flexibility to conduct the tests at optimum times in order to limit risks to the rig crew.

These changes to final § 250.737(d)(5)(i)(C) and (d)(5)(ii) also improve consistency with API Standard 53 and help reduce any potential confusion related to testing of the pods and control stations. BSEE requires pod and control station testing, to ensure proper use of the safety equipment and to reduce the risk of non-functioning equipment, because all control stations have the potential to become critical control mechanisms during well-control events.

BSEE does not agree that there is any need to define "function testing" in the rules. The term has been used in the existing regulations for many years and the industry is familiar with its meaning.

Comments Related to Proposed § 250.737(d)(6) and (7)—API Standard 53

Summary of comments: Commenters observed that § 250.737(d)(6) conflicts with API Standard 53, which requires testing both the largest and smallest pipe sizes during the stump test, and then subsequently testing the smaller pipe. Commenters recommended aligning this provision with API Standard 53.

Commenters also noted that the requirement to pressure test annular type BOPs against the smallest pipe in use is a new requirement. Commenters recommended that BSEE require pressure testing of the annular-type BOPs against the largest and smallest drill pipe in use during the stump test; then, for subsea BOP pressure tests, pressure testing the annular BOPs against the smallest outside diameter drill pipe used in the hole section.

- *Response:* BSEE agrees with the commenters and has revised final § 250.737(d)(6) and (7) by replacing "against the largest and smallest sizes of the pipe in use" with "against pipe sizes according to API Standard 53." This revision would help reduce wear of the equipment and thus improve overall integrity of the system and limit rig personnel's risks from hazardous operations such as tripping in and out of the hole.

Comments Related to Proposed § 250.737(d)(9)—BOP Function Test

Summary of comments: Commenters suggested adding to § 250.737(d)(9) that pressures tests qualify as function tests.

- *Response:* No changes to § 250.737(d)(9) are necessary. Function testing must occur every 7 days. During a pressure test, the component will have to function to close and seal before a pressure test can be completed on that component. Therefore, it would also qualify as a function test without the need for any additional language in this provision.

Comments Related to Proposed § 250.737(d)(12)—ROV Intervention Functions

Summary of comments: Multiple comments raised concerns with § 250.737(d)(12), including confusion about the ROV capabilities and testing, compatibility with the BOP stack, and ROV closing timeframes. A commenter proposed moving the requirements to § 250.737(d)(3) and deleting § 250.737(d)(12).

- *Response:* As suggested by the commenter, BSEE deleted proposed § 250.737(d)(12) from the final rule. ROV testing is sufficiently covered under final § 250.737(d)(3) which requires testing of all ROV functions.

Comments Related to Proposed § 250.737(d)(13)—API Standard 53

Summary of comments: Multiple commenters had concerns with proposed § 250.737(d)(13), including concerns about possible inconsistency between the rule and API Standard 53 with regard to testing frequency and testing autoshear and deadman systems separately. A commenter stated that if API Standard 53 is not adopted, BSEE should consider a 3-year grace period for all rigs to make upgrades to existing control systems that would allow low probability/low risk deadman testing to be performed on all rigs. A commenter stated that testing the deadman circuit is desirable, but doing such testing at present would put many operations at risk because they would have to cut off rig power to simulate a deadman test and would not have access to power on the rig if an incident occurred.

- *Response:* After considering the comments, BSEE has revised final § 250.737(d)(12) to allow the function tests for the autoshear/deadman to be combined. Many rigs have already voluntarily updated the BOP control systems with an autoshear/deadman testing circuit to reduce the risk of not having component operability during the testing.

BSEE does not agree, however, with the comment about adopting API Standard 53's testing timeframe or schedule. The final rule will require the initial on-bottom test to verify component operability on the well. This test provides assurance that the system was not damaged while running and latching the BOP on the well, and that it will operate under the conditions that it might confront in an emergency. These requirements are consistent with established longstanding practice, and operators do not need additional time to comply.

Comments Related to Proposed § 250.737(e)—BOP Shear Test

Summary of comments: A commenter suggested that the OEM should perform the shear testing at the OEM test facility and not on the unit using the drilling contractor's BOP stack. The commenter stressed that there is a risk of damaging equipment when carrying out shear tests. Equipment manufacturers should be responsible for demonstrating shearing capability as well as providing shearing data that would allow for a better understanding of the equipment shearing capability.

- *Response:* BSEE has not made any changes to § 250.737(e). BSEE agrees that testing to actually shear pipe should be done at a test facility. BSEE does not intend for, nor require, the shear testing to be done on the rig.

What must I do in certain situations involving BOP equipment or systems? (§ 250.738)

As described in the proposed rule, this section combines and revises requirements from former §§ 250.451 and 250.517 for actions that must be taken when specific situations involving BOP systems arise (*e.g.*, failure of a BOP to hold pressure during a test; needed repairs to a BOP system). The required actions include correction of problems (*e.g.*, repair or reconfiguration of the BOP), retesting the affected equipment or system, and installation of barriers prior to removal of a BOP, depending on the situation. BSEE has revised certain provisions of proposed § 250.738 in the final rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed § 250.738(a)—BOP Equipment Does Not Hold the Required Pressure During Testing

Summary of Comments: Commenters generally supported requirements in § 250.738(a) for situations when BOP equipment does not hold the required pressure during testing. Several commenters requested a change to the requirement to exclude minor issues which are easily solved or remediated. The proposed revisions are as follows: "You must report any equipment failures, including leaks that cannot be remedied, to the District office and on the daily report as required in § 250.746." One commenter suggested that in addition to reporting the problem and retesting the affected equipment, the well must be secured and operations suspended until the BOP is successfully pressure tested, or repaired, or replaced in accordance with § 250.738.

- *Response:* BSEE agrees with the comment about limiting the reporting requirements, and BSEE has revised § 250.738(a) by removing the requirement for reporting to the District Manager. The reporting to the District Manager is unnecessary because the information will still be included in the daily report, and the report is available for BSEE review. BSEE has not made any other changes to this paragraph. The commenter's suggestions about what to do if you have to repair or replace the BOP if leaks are observed are covered under § 250.738(b).

Comments Related to Proposed § 250.738(b)—Repair, Replacement, or Reconfiguration of the BOP System

Summary of Comments: Commenters generally supported requirements in § 250.738(b) for repair, replacement, or reconfiguration of a surface or subsea BOP system. Several commenters requested a change from the term "BOP system" to "BOP stack," so that a BOP surface component does not affect operations and can be replaced without having to put the well in a safe controlled condition. Other comments suggested changing the word "certifying" in § 250.738 (b)(3) to "verifying."

- *Response:* BSEE disagrees with the comment about the need to change the term "BOP system" in § 250.738(b) to "BOP stack," because there are many other important components of a BOP system (e.g., the subsea wellhead connector, the LMRP connector, the choke and kill lines on the LMRP and on the marine riser system) that are typically not considered part of the BOP stack. Therefore, no changes are necessary to paragraph (b) in this regard. BSEE also does not agree that it is necessary to change the word "certifying" to "verifying" in paragraph (b)(3). BSEE wants to ensure the BOP is appropriate for use and the BAVO certifying report provides BSEE with important information to consider in its approval for resuming operations.

Comments Related to Proposed § 250.738(d)—BOP Control Station or Pod

Summary of Comments: Commenters generally supported requirements in § 250.738(d) for a BOP control station or pod that does not function properly. One commenter suggested revisions for clarity by suggesting the following change to paragraph (d): "A BOP control station or pod does not function properly or no longer provides the required minimum level of redundancy." Another commenter stated that the term "[function] properly" is vague and misleading and that paragraph (d) seems to conflict with paragraph (o).

- *Response:* BSEE disagrees with the comment about making any changes to the pod requirements of § 250.738(d). The suggested phrase "or no longer provides the required minimum level of redundancy" is unnecessary. BSEE expects both control pods to be functional to ensure there is continuous BOP operability and control in case of emergency situations. When one of the pods is damaged or fails, the other pod must still be able to operate the BOP stack. Therefore, BSEE has not made any changes to paragraph (d).

BSEE disagrees with the commenters' concerns about the term "[functions] properly" in § 250.738(d). BSEE requires two pods so they are not considered redundant equipment under § 250.738(o). BSEE needs to ensure that the pods can operate the required components of the BOP stack in an emergency situation. Therefore no changes are necessary to this paragraph. If there are any concerns about a specific operational limit of your pod functionality, contact the appropriate District Manager for guidance.

Comments Related to Proposed § 250.738(e)—Tapered String

Summary of Comments: Commenters generally supported requirements in § 250.738(e) for operations with a tapered string. Comments were submitted on the requirement to install two sets of pipe rams to seal around the smaller pipe. Commenters did not see the need for a redundant ram on the smaller size pipe provided the pipe is not across the BOP stack while drilling. They stated that the annular provides a redundant means to seal against the smaller pipe. Commenters suggested revising the provision to say: ". . . two sets of rams must be capable of sealing around the larger-size drill string and two sets of pipe rams must be capable of sealing around the smaller size pipe in the event that this smaller pipe is across the BOP stack when drilling, or one set capable of sealing on the smaller size pipe if the pipe will not be across the BOP while drilling . . . ."

- *Response:* BSEE agrees with the comment about only requiring one set of pipe rams to seal on the smaller size pipe and has revised final § 250.738(e) by replacing the requirement to install "two" sets of pipe rams capable of sealing around the smaller size pipe with "one" set. This change does not decrease the sealing capabilities of the BOP stack because many BOP stacks use VBRs, that can seal around a greater variety of pipe sizes and, as the commenter stated, the annular is also used to seal around the smaller pipe sizes.

Comments Related to Proposed § 250.738(f)—Casing Rams or Casing Shear Rams on a Surface BOP Stack

Summary of Comments: Multiple commenters had concerns about the requirements in proposed § 250.738(f) for installing casing rams or casing shear rams in a surface BOP stack. The comments stated that the proposed requirement conflicts with API Standard 53 and implies that casing (not just drill pipe) has to be sheared. Commenters noted that API Standard 53 does not specify a need to shear casing. Commenters also recommended revisions to the language regarding testing the ram bonnets before running casing, as follows: ". . . Test the ram bonnets' seals before running casing to the RWP or MASP\'MAWHP' plus 500 psi."

- *Response:* BSEE agrees with the concerns related to the reference to shearing casing, not just drill pipe and revised final § 250.738(f) by removing the sentence "[t]he BOP must also provide for sealing the well after casing is sheared." BSEE recognizes that this statement is not necessary in this location, as there are shearing capability requirements covered in more detail throughout this subpart (*e.g.,* § 250.732(b)).

BSEE also agrees with the commenters' concern about testing the ram bonnets and has revised paragraph (f) by replacing "ram bonnets" with "affected connections." BSEE recognizes that testing the ram bonnets does not properly address the necessary testing to ensure BOP system integrity. Testing the affected connections is a better indicator of proper ram installation that shows system pressure integrity.

Comments Related to Proposed § 250.738(g)—Annular BOP

Summary of Comments: One comment was received on the requirements in § 250.738(g) for use of an annular BOP with a RWP less than the anticipated surface pressure. The commenter points out that paragraph (g) would allow an operator to use an annular BOP with an RWP less than the anticipated surface pressure, with BSEE approval; yet for safe operations, the annular BOP should have an RWP to match or exceed the anticipated surface pressure. Commenters suggest that DOI should provide further justification for this practice and include limitations on when this practice would be safe.

- *Response:* BSEE disagrees with the comment. Annulars are typically used with wellbore pressures less than MASP. An annular does not have any locking mechanisms to keep it closed, as do pipe and blind shear rams, and an annular will relax and not seal if the hydraulic pressure is lost. Thus, a single annular is not commonly used for well control purposes; rather, annulars are commonly used in conjunction with other MASP-rated components, such as pipe rams or blind shear rams, that can seal the well under MASP. The annular is used for quick closing and spacing of the joint so the well-control rams can close on a desired section of pipe. Because of the annular design, it is used differently than well-control rams; its design allows for pipe to be pulled through it, such as in stripping operations, and for piping spaceout in the BOP. Therefore, no changes are needed to paragraph (g).

Comments Related to Proposed § 250.738(j)—Removing the BOP Stack

Summary of Comments: One comment was submitted on the proposed requirement in § 250.738(j) to remove the BOP stack. The commenter requested that the requirement to have two barriers in place prior to BOP removal be revised to require two independent tested and verified barriers.

- *Response:* BSEE does not agree with the suggested changes. It is not necessary to revise § 250.738(j) given that barriers must be independently tested, to ensure integrity before removing the BOP stack. Nor is any change needed to clarify that the barriers must be tested before moving off location. Section 250.720(b) effectively requires that the barriers be tested before removing mud from the riser in preparation for removing the BOP stack.

Comments Related to Proposed § 250.738(k)—Deadman or Autoshear Activation

Summary of Comments: One comment was submitted on the proposed requirement in § 250.738(k) requirements related to deadman or autoshear activation. The commenter described the requirements as too prescriptive and suggested that BSEE revise paragraph (k) by replacing the phrase "place the blind shear ram opening function in the block position prior to re-establishing power to the stack" with the phrase "Then you must address that possibility prior to re-establishing power to the stack."

- *Response:* BSEE disagrees that the language should only require the operator to address the possibility of the BSR opening upon re-establishing power to the BOP stack. BSEE is aware of situations where the BSR opened upon re-establishing power to the BOP stack, and BSEE wants to ensure that the well is not unsecured prematurely and that the operator is prepared for the use of well-control measures if necessary. Therefore, no changes to § 250.738(k) are necessary.

Comments Related to Proposed § 250.738(l)—BOP Test Ram

Summary of comments: Multiple comments were submitted on the proposed § 250.738(l) requirements that would apply if a test ram is used. A commenter had concerns about the maximum pressure for the approved ram test for the well. Commenters also requested that hydraulic connectors, wet-mate connectors, and all stabs be exempted from the test.

- *Response:* BSEE agrees with most of the commenters' concerns and has revised final § 250.738(l) by replacing that entire paragraph with a requirement that the wellhead/BOP connection must be tested to the MASP plus 500 psi for the hole section to which it is exposed, and providing that this can be done by: Testing the wellhead/BOP connection to the maximum MASP plus 500 psi for the well upon installation; or pressure testing each casing to the MASP plus 500 psi for the next hole section; or some combination of those two tests. These changes align the regulations with current BSEE policy and practice related to testing the wellhead/BOP connections. These changes provide clarity to BSEE's testing requirements. BSEE also agrees, in part, with the need to remove the hydraulically operated BOP components language of paragraph (l). BSEE removed this provision in this paragraph because it is sufficiently covered under § 250.737(d)(4).

Comments Related to Proposed § 250.738(o)—Redundant Components

Summary of comments: Multiple comments were submitted on the proposed § 250.738(o) requirements for installation of redundant components for well control in BOP systems. The comments suggested that BSEE revise the paragraph (o) to require a one-time identification and certification submitted with documentation under proposed § 250.731, including identification of all additional redundant components and certification using failure modes analysis by a BAVO that the failure of those additional redundant components will not impact the BOP in a way that will make it unfit for well-control purposes. One other commenter suggested that the requirement to submit a report each time a redundant component fails can actually be a deterrent to operators who would otherwise want to achieve higher safety levels by incorporating redundancy beyond the required levels.

- *Response:* BSEE disagrees with the commenters' concerns about the failure of redundant components. If redundant components are installed and planned to be used as necessary, they need to be able to fully function and operate (similarly to the required components) as intended. The operator has the option to utilize the redundant systems without having to pull the stack, as long as the failure does not interfere with the required functionality. Therefore, no changes to § 250.738(o) are necessary.

Comments Related to Proposed § 250.738(p)—Bottom Hole Assembly

Summary of comments: Comments were submitted on the proposed requirements in § 250.738(p) for tripping the BOP and bottom hole assembly positioning. Most commenters raised concerns about the requirement to ensure well stability for 30 minutes prior to positioning the bottom hole assembly. They stated that determining stable well conditions should not be regulated to a prescribed time requirement, and that other methods should be permitted, such as flow checks, tripping volumes, or well monitoring. Comments were also raised about the using the term "immediate" with regard to removing the bottom hole assembly from across the BOP in the event of a well control or emergency situation. The commenters' suggestions for revision to paragraph (p) included deleting the word "immediate" and stating in the well-control plan that removing non-shearables from across the BOP stack is to be done as efficiently as possible without jeopardizing the safety of personnel. The comment recommended that this removal occur prior to positioning the bottom hole assembly into the BOP. Another comment recommended that this provision require a minimum 5-minute flow check on the trip tank to confirm that the well is not flowing, after which the bottom hole assembly may be tripped through the BOP.

- *Response:* BSEE agrees with most of the commenters' suggestions and has revised final § 250.738(p) by removing the reference to the 30 minute timeframe and deleting the word "immediate" before "removal of the bottom hole assembly." BSEE recognizes there are many suitable methods to ensure that a well is stable, as the comments suggested. BSEE understands that, for every well, the bottom hole assembly will be across the BOP stack, and it is BSEE's intention to ensure that there are procedures in place to limit this exposure across the BOP stack at some point. BSEE removed "immediate" from the regulatory text to enable appropriate actions to be taken to make sure the well is secure and to ensure safety.

What are the BOP maintenance and inspection requirements? (§ 250.739)

As provided for in the proposed rule, this section combines and revises requirements from several sections of the existing regulations regarding maintenance and inspection of BOPs. This section now requires BOP maintenance and inspection procedures to meet or exceed OEM recommendations, recognized engineering practices, and industry standards incorporated by reference into the regulations. It also establishes procedures for a complete breakdown and inspection of the BOP and associated components every 5 years, which can be done in phased intervals (a change from the proposed rule), and requires that the inspection be documented and that a BAVO be present during the inspection. In addition, the final rule requires frequent visual inspections of all BOPs, and that personnel who maintain, inspect, or repair BOPs or other critical components meet certain training criteria. BSEE has revised proposed § 250.739 in the final rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed § 250.739(a)—Critical Components and Recognized Engineering Practices

Summary of comments: Several commenters requested clarification of the phrases "critical components" and "recognized engineering practices and industry standards" in proposed § 250.739(a), stating that the terms are vague and open to inconsistent interpretation. They also requested a description of what the deliverables would be for conformance to API Standard 53. Several commenters requested that BSEE revise paragraph (a) to require that operators maintain and inspect their BOP systems, as defined in API Standard 53 1.1.2, to ensure that the equipment functions as designed. The commenters also suggested that all BOP maintenance and inspections must meet the equipment owner's preventative maintenance program, and that operators must: Document how they met or exceeded the provisions of API Standard 53; maintain complete records to ensure the required traceability of the equipment; and record the results of the inspections and maintenance actions; and make all records available to BSEE upon request.

- *Response:* BSEE agrees with the comment about defining all critical components and has revised final § 250.739(a) by replacing "all critical components" with "BOP stack equipment." However, BSEE does not agree with the commenters' recommendation for revisions to paragraph (a) concerning the references to API Standard 53 and owners' preventative maintenance programs. This section already requires the BOP maintenance and inspections to meet or exceed API Standard 53. Thus, the commenters' proposed reference to the owner's preventative maintenance program would not be appropriate. BSEE is aware of major differences between different owners' preventative maintenance programs. BSEE realizes that such programs are useful to help plan and ensure maintenance and inspections are completed. But due to the differences between company-specific programs, BSEE cannot rely on a reference to such programs in paragraph (a) to satisfy the BOP maintenance and inspection requirements of this provision.

Comments Related to Proposed § 250.739(b)—BOP Breakdown and Inspection

Summary of comments: Multiple commenters expressed concerns with the 5-year testing provision in proposed § 250.739(b), which would have required complete breakdown and inspection of the BOP system and every associated component at one time. Most industry commenters did not object to a 5-year inspection requirement for each BOP component, *provided* that the inspections could be staggered, or phased, over time, as provided in API Standard 53. Commenters expressed concern that requiring all components to be inspected at one time would put too many rigs out of service, potentially for long periods of time, with substantial economic impacts.

- *Response:* BSEE agrees with the commenters' concerns about performing the 5-year major inspection of the entire BOP system and all components at one time. Accordingly, BSEE has revised final § 250.739(b) by: Allowing the complete breakdown and inspection to be performed in phased intervals; adding clarification that all system and component inspection dates must be tracked, documented, and available on the rig; and including new paragraphs (b)(1), (2), and (3) describing the types of actions that could be used as start dates for the inspection intervals. The final regulatory language will allow a phased approach, as long as there is proper documentation and tracking to ensure that BSEE can verify that each applicable component has had a major inspection within the preceding 5 years. Proper documentation will improve BSEE oversight, as compared to current practice, while a phased approach would avoid the possibility of long shut downs. BSEE added the list of actions that can be used to start the 5-year timeframe, which are consistent with API Standard 53, to provide additional clarity.

Comments Related to Proposed § 250.739(d)—Personnel Training

Summary of comments: Several commenters raised concern with the proposed § 250.739(d) training requirements, stating that: BOP equipment OEMs do not specify qualification and training criteria; OEM training courses do not address every aspect of maintenance and troubleshooting that is encountered in the field; and training is covered under the SEMS program requirements.

Commenters suggested revisions to proposed § 250.739(d), including requiring: Personnel who maintain, inspect, or repair BOPs or other critical components to meet the qualifications and training criteria specified by the equipment owner; consideration of OEM guidelines; and performing maintenance, inspection, and repair in accordance with API Standard 53.

- *Response:* BSEE agrees with several of the suggestions in these comments and has revised final § 250.739(d) by requiring that personnel be trained in accordance with all applicable training requirements in subpart S, any applicable OEM criteria, recognized engineering practices, and industry standards incorporated by reference in final subpart G. These revisions, made in response to the comments, clarify BSEE's intent to ensure that all personnel are trained properly for the equipment that they will maintain, inspect, or repair.

Comments Related to Proposed § 250.739(e)—Retention of Equipment Design Records

Summary of comments: Several commenters raised concerns with the retention of equipment design records proposed in § 250.739(e) and suggested alternative language. Commenters stated that equipment designs are proprietary information of the OEM; therefore, the design records can only be retained by the OEM. Further, commenters stated that retention of this information is required by the OEM to meet API manufacturing specifications. Commenters also stated that modifications to the functional design of the stack are maintained by the equipment owner; therefore, it should be the responsibility of the equipment owner to maintain all required records.

- *Response:* BSEE agrees with the commenters' concerns about retention of equipment design records and has revised the last sentence in final § 250.739(e) to require that the operator ensure that all equipment schematics, maintenance, inspection, and repair records are located at an onshore location for the service life of the equipment. BSEE understands that the equipment OEMs may retain proprietary design documents that are not available to others. Therefore, BSEE replaced "design" with "schematics" and revised the operator's responsibility from "maintaining" design records to "ensuring" that the equipment schematics, and other specified records, are kept at an onshore location. These revisions will address the commenters' concerns that only the OEM may have the original design records and that only the equipment owner may have design modification records. BSEE understands that the equipment schematics are usually made available by OEMs. Under the revised language, the operator is only responsible for ensuring that the schematics and other specific records are located onshore (given that records located on the rig unit may become inaccessible or lost in the event of an emergency), whether or not the onshore location for each of the relevant records is the operator's, equipment owner's, or the OEM's.

Records and Reporting

What records must I keep? (§ 250.740)

As provided for in the proposed rule, this section incorporates and clarifies recordkeeping requirements from former § 250.466 applicable to all operations covered under final subpart G. This section requires that well records, including a daily report for each well, must be kept onsite during well operations. Well records must include, among other things, complete information on: Well operations, all tests conducted, and RTM data; oil, gas and mineral deposits encountered; casings; and significant malfunctions or problems. BSEE has revised proposed § 250.740 in the final rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed § 250.740(a)—RTM and Well Data

Summary of comments: A commenter contested the RTM aspects of the rule in proposed § 250.740(a). This commenter indicated that BSEE uses "real-time monitoring" to encompass both well-site and remote monitoring at an onshore location, which are two separate activities. The commenter stated that well-site monitoring is a standard practice, whereas remote monitoring is not. The commenter recommended replacing "real-time monitoring data" with "well data." Another commenter asked whether this provision would require additional RTM (presumably beyond what proposed § 250.724 would require).

- *Response:* BSEE disagrees with the suggestion to remove the reference in paragraph (a) to the RTM data. BSEE is requiring RTM data in final § 250.724, and § 250.740(a) is intended to require operators to preserve the RTM data collected pursuant to § 250.724. BSEE is not imposing additional RTM obligations beyond those required in § 250.724. To clarify that point, BSEE has added to final § 250.740(a), after the reference to real-time monitoring data, "as required by § 250.724."

BSEE also disagrees with the suggestion that paragraph (a) be limited to "well data" (presumably because the commenter believed that the revision would eliminate the need to retain records onshore related to "remote" RTM). Section 250.724 requires that RTM data be gathered offshore to be transmitted to an onshore location. BSEE may need to review the RTM data at the onshore location if there is an incident. Similarly, BSEE may need to review the retained RTM data onshore after an incident, in order to verify conditions at the time of the incident and to assist in an incident investigation. If the commenter's suggested revision was intended to limit the data BSEE can review onshore, then BSEE rejects that suggestion.

Comments Related to Proposed § 250.740(d)—Kind, Weight, Size, Grade, and Setting Depth of Casing

Summary of comments: Commenters recommended that BSEE clarify the information required by proposed § 250.740(d), regarding records on kind, weight, size, grade, and setting depth of casing. The comments suggested that BSEE revise paragraph (d) to read: "Information relative to casing and cementing such as weight, size, grade, and setting depth of casing and volume and type of cement pumped along with cementing pressures and displacements."

- *Response:* BSEE does not agree that the revision suggested by the commenters is necessary or would provide any additional clarity for this recordkeeping requirement. The scope of these records is already clarified by the detailed requirements in final § 250.415(a)(3) regarding information about cementing and casing programs that must be provided in APDs. BSEE expects that records specified in § 250.740(d) will include the information specified in § 250.415(a)(3).

Comments Related to Proposed § 250.740(f)—Any Significant Malfunction or Problem

Summary of comments: A commenter asserted that the requirement in proposed § 250.740(f) regarding recordkeeping for "any significant malfunction or problem" is ambiguous. This commenter recommended that BSEE provide some examples of what type of malfunction or problem for which it suggests keeping records, noting that there is already a requirement for equipment failure reporting, and that well-control events and other drilling-related problems are documented in the daily well reports.

- *Response:* BSEE does not agree that this provision is ambiguous or that the recordkeeping required by § 250.740(f) is duplicative of other reporting requirements in this rule. Although there are several specific reporting requirements in this rule for subjects similar to the records required by § 250.740(f) (*e.g.*, § 250.738(a) requires reporting of irregularities or problems resulting from pressure testing), there are no specific record keeping requirements for all significant malfunctions or problems. BSEE needs to ensure that records of all significant malfunctions or problems are maintained so that BSEE can review the records as needed to assist in the investigation of any incident or significant problem. The requirements for reporting specific events to BSEE, or for keeping other records, does not duplicate the recordkeeping under § 250.740(f) since copies of reports or records under other provisions can be used to satisfy § 250.740(f). Therefore, BSEE has not made any changes to that paragraph.

Comments Related to Proposed § 250.740(g)—Information Required by the District Manager

Summary of comments: Commenters requested that BSEE revise proposed § 250.740(g) to clarify what additional information may be required and to define the scope of the District Manager's authority to request additional records. These commenters suggested defining the scope of information requests as information sought "in the interests of resource evaluation, waste prevention, conservation of natural resources, and the protection of correlative rights, safety, and environment."

- *Response:* Like similar provisions throughout 30 CFR part 250, § 250.740(g) is intended to give District Managers the necessary flexibility and discretion to require additional information as needed in specific cases to fulfill the purposes of the regulation. Of course, the District Managers must exercise that discretion in a manner consistent with BSEE's statutory authority and responsibility under OCSLA, including—as the commenter suggested—conservation of natural resources and protection of safety and the environment on the OCS. In addition, the District Manager must exercise the discretionary authority of paragraph (g) in a way that serves the purpose of § 250.740; *i.e.*, the maintenance of records for each well that provide relevant information about the specific well and operations, its geological conditions and related circumstances, and any significant problems or malfunctions. Accordingly, BSEE has revised final § 250.740(g) to clarify the scope and purpose of the District Manager's authority.

How long must I keep records? (§ 250.741)

As provided for in the proposed rule, this section incorporates the same requirements as former § 250.467 regarding how long records related to drilling, casing and liner pressure tests, diverter and BOP tests, and completion and workover activities must be kept. This section also requires that records related to RTM data must be kept for 2 years after completion of operations. There are no changes to this proposed section in the final rule.

Comments Related to Proposed § 250.741—Electronic Recordkeeping

Summary of comments: A commenter recommended that BSEE revise §§ 250.467 and 250.741 to require records to be kept in electronic form for the life of the well. Longer record retention periods will ensure that important records are maintained and available to the operator and BSEE for future work on the well or during an investigation.

- *Response:* BSEE disagrees with the commenter that all of the records identified in § 250.741 (which replaces former § 250.467) should be required to be kept for the life of the well. BSEE already requires that certain data be retained for the life of the well, as in final § 250.741(c). BSEE determined that the specific retention timeframes for the information listed in § 250.741(a) through (c) are reasonable and appropriate for the purpose of allowing BSEE to review the information in the event of an incident or investigation or to determine compliance with requirements of this subpart. Those timeframes are identical to those in the former § 250.467 (with the exception of the new requirement for RTM data), which has been in effect for many years, and BSEE is not aware of any instances in which those timeframes have proven inadequate. Accordingly, BSEE does not see a need at this time for expanding those timeframes as suggested by the commenter.

Comments Related to Proposed § 250.741(b)—Casing and Liner Pressure Tests, Diverter Tests, BOP Tests, and RTM Data

Summary of comments: A commenter asserted that retention of the identified records under § 250.741(b)—i.e., casing and liner pressure tests, diverter tests, and RTM data—for 2 years is not necessary on a decommissioning operation after the well has been plugged, although the commenter acknowledged that the information may need to be kept longer in the event of a re-drill or sidetrack. Another commenter recommended that BSEE revise paragraph (b) to require the operator to retain BOP RTM data while conducting operations on the well, and require the owner of the equipment to retain the BOP data for a period of 2 years.

- *Response:* The record retention requirements in final § 250.741(b) are well established under former § 250.467, and BSEE is unaware of any problems with those record retention requirements with respect to decommissioning operations. In addition, the commenter that suggested revising the proposed requirement for retention of RTM data did not provide any support for that suggestion. And BSEE, based on its experience with the longstanding records retention requirements for the test data specified in former § 250.467(b), sees no reason why the operator should not retain RTM data for 2 years. Therefore, BSEE has not made the suggested changes to final § 250.741.

What well records am I required to submit? (§ 250.742)

This section contains requirements from former § 250.468 regarding submission to BSEE of records related to well-logging operations, certain well surveys, velocity profiles, and core analyses. The remainder of the requirements from former § 250.468, regarding well activity reporting, are included in final § 250.743. BSEE received no substantive comments on this provision of the proposed rule and made no changes to the proposed language.

What are the well activity reporting requirements? (§ 250.743)

As provided for in the proposed rule, this section includes requirements from former § 250.468(b) and (c) regarding submission of WARs for drilling operations in the GOM and Pacific or Alaska regions, respectively. It also codifies reporting procedures contained in BSEE NTL 2009–G20, *Standard Reporting Period for the Well Activity Report*, and BSEE NTL 2009–G21, *Standard Conditions of Approval for Well Activities.*

BSEE will rescind any NTLs that are superseded by this section in the final rule. BSEE received no substantive comments on this provision of the proposed rule and made no changes to the proposed language.

What are the end of operation reporting requirements? (§ 250.744)

As described in the proposed rule, this section combines provisions from several sections of the existing regulations, codifies certain procedures from NTL 2009–G21, *Standard Conditions of Approval for Well Activities*, and clarifies the contents of the EOR (Form BSEE–0125). This information provides BSEE with important well data and a better understanding of the well operations and conditions. BSEE received no substantive comments on this provision of the proposed rule and made no changes to the proposed language.

What other well records could I be required to submit? (§ 250.745)

As provided for in the proposed rule, this section incorporates the requirements of former § 250.469 regarding well records that a District Manager or Regional Supervisor may require an operator to submit. BSEE received no substantive comments on this provision of the proposed rule and has made no changes to the proposed language.

What are the recordkeeping requirements for casing, liner, and BOP tests, and inspections of BOP systems and marine risers? (§ 250.746)

As described in the proposed rule, this section combines and clarifies requirements from several sections of the existing regulations regarding recordkeeping for testing of casings, liners and BOPs and for BOP and marine riser inspections. It also specifies information that must be included in the daily report. BSEE has made certain revisions to proposed § 250.746 in the final rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed §§ 250.746(a) and (b)—Test Pressure Records and Pressure Charts

Summary of comments: A commenter recommended revising § 250.746(a) and (b)—regarding test pressure records and pressure charts—to allow the use of digital recorders as these are also an acceptable method for recording pressure tests.

- *Response:* BSEE agrees with the commenter and revised final § 250.746(a) and (b) to include digital recorders. This change also aligns these provisions more closely with the digital pressure testing required in final § 250.737(c).

Comments Related to Proposed § 250.746(d)—Identification on the Daily Report of the Control Station and Pod Used During a BOP Test

Summary of comments: Commenters observed that the requirement in proposed § 250.746(d)—requiring identification on the daily report of the control station and pod used during a BOP test—apparently applies to all types of operations; however, pods are not found on equipment (such as surface stacks, coiled tubing units, and snubbing units) associated with certain operations. The commenters suggested that BSEE revise this paragraph to address this concern.

- *Response:* BSEE disagrees with the comment. It is BSEE's intention that the requirement to identify the pod used during testing applies only to testing that actually uses a pod; in fact the proposed and final § 250.746(d) provide examples of equipment (i.e., coiled tubing and snubbing units) that would not require identification of a pod.

Comments Related to Proposed § 250.746(e)—Notifying the District Manager of Leaks

Summary of comments: Commenters stressed that the proposed requirement under § 250.746(e) to immediately notify the District Manager of any leaks associated with BOP or control system testing is unnecessary, especially for equipment failures during BOP testing. Other commenters asserted that the proposal to suspend operations when any problems or irregularities are observed during testing may be unsafe, and that operators need to be able to handle minor problems and issues internally. Commenters requested that BSEE clarify under what circumstances leaks are considered problems. A commenter also requested that BSEE clarify what components are included in "BOP Control Systems" and recommended rewording the requirement for reporting "any leaks" associated with BOP or control system testing to require reporting of "unresolved leaks" associated with such testing.

- *Response:* BSEE agrees with the commenters' suggestion regarding the requirement for "immediate" notification to the District Manager of any leaks and revised final § 250.746(e) by removing that requirement. This proposed notification is unnecessary because the same information must be documented in the WAR, which former § 250.468 and final § 250.743 require to be submitted to BSEE on a weekly basis in the Gulf region and on a daily basis in the Alaska region.

BSEE also agrees with the comment that it is not necessary, and in some cases may be imprudent, to suspend operations for "any problems" and revised § 250.746(e) to state that "[i]f any problems that cannot be resolved promptly are observed during testing. . ." you must suspend operations. This change will limit the amount of shut-ins that might have occurred under the proposed language even though the problem could have been resolved before posing any significant risk. The problem should be evaluated first, and then, if it is determined that repairs or other resolution are necessary and cannot be completed promptly, operations must be suspended.

BSEE has also deleted the phrase "are considered problems or irregularities and" from final § 250.746(e) because not all leaks are considered problems and some leaks may not affect BOP system operability.

BSEE is not specifically defining what a BOP "control system" consists of, however, BSEE does not want to limit an operator that may have elements in its control system that are not typically found in other BOP control systems. In general, however, BSEE expects that most BOP control systems will be consistent with API Standard 53's description of that term.

Comments Related to Proposed § 250.746(f)—Record Retention

Summary of comments: A commenter recommended that, under proposed § 250.746(f), BSEE not require the records for pressure testing to be kept on the rig/facility after the operation has concluded. Rather, the operator should keep these records at an alternative location (office, records storage facility).

- *Response:* BSEE has not made the commenter's suggested revision to this section because the documentation may be necessary and must be available on the rig for incident investigation and auditing purposes.

Subpart P—Sulfur Operations

Well-Control Drills (§ 250.1612)

As provided for in the proposed rule, this section updates the references for the drilling crew requirements under final § 250.711. BSEE received no substantive comments on this provision of the proposed rule and has made no changes to the proposed language in the final rule.

Subpart Q—Decommissioning Activities

What are the general requirements for decommissioning? (§ 250.1703)

As provided for in the proposed rule, paragraph (b) of existing § 250.1703 includes a new requirement that all permanent packers and bridge plugs must comply with API Spec. 11D1. It also requires that decommissioning operations must follow all applicable requirements in new Subpart G. BSEE has revised paragraph (b) in the final rule as discussed in the comment responses for this section and in part V.C of this document.

Comments Related to Proposed § 250.1703(b)—Temporary Packers and Bridge Plugs

Summary of comments: Commenters stated that, under proposed § 250.1703, compliance with API Spec. 11D1 should not be required for temporary packers and bridge plugs (i.e., those used for well servicing). Commenters stressed that API Spec. 11D1 does not apply to temporary packers and bridge plugs.

- *Response:* BSEE agrees with the commenters that this section should apply only to permanently installed packers and bridge plugs and has revised final § 250.1703 accordingly.

Comments Related to Proposed § 250.1703(f)—Well Abandonment

Summary of comments: A commenter noted that § 250.1703(f) adds a reference to the requirements of new subpart G, which would make subpart G applicable to decommissioning. The commenter noted that well abandonments are normally considered as part of the plan only for exploration programs and not development programs.

- *Response:* BSEE does not agree with this comment, and has not made the suggested changes to § 250.1703 in the final rule, because some of the equipment used in drilling, workover, and completion operations is also used for decommissioning (e.g., MODUs and BOPs). That equipment must meet the requirements necessary to ensure safety and environmental protection without regard to the types of well operations in which the equipment is used.

When must I submit decommissioning applications and reports? (§ 250.1704)

As provided for in the proposed rule, paragraph (g) of existing § 250.1704 is revised by removing current paragraphs (g)(2), (4), and (6) and the associated instructions in the third column, as well as by revising the numbering of current paragraphs (g)(3) and (5) to paragraphs (g)(2) and (3), respectively, and by updating the applicable citations. Also paragraph (h) clarifies when operators must submit an EOR rather than an APM. BSEE received no substantive comments on this provision of the proposed rule and made no changes to the proposed language in the final rule.

What BOP information must I submit? (§ 250.1705)

As provided for in the proposed rule, this section is removed and reserved. The content of this former section is moved to final §§ 250.731 and 250.732. BSEE received no comments on the proposed removal and reservation of this section and the final rule implements that action.

Coiled Tubing and Snubbing Operations (§ 250.1706)

This section of the existing regulation was titled "What are the requirements for blowout prevention equipment?" As provided for in the proposed rule, this section is re-titled and moves paragraphs (a) through (e) of the former section to final §§ 250.730, 250.733, 250.734, and 250.735. Remaining paragraphs (f) through (h) of the existing regulation are redesignated as paragraphs (a) through (c). BSEE received no substantive comments on this provision of the proposed rule and made no changes to the proposed language in the final rule.

What are the requirements for blowout preventer system testing, records, and drills? (§ 250.1707)

This section is removed and reserved. As described in the proposed rule, the content of this former section is moved to final §§ 250.711, 250.736, 250.737, and 250.746. BSEE received no comments on the proposed removal and reservation of this section and the final rule implements that action.

What are my BOP inspection and maintenance requirements? (§ 250.1708)

This section is removed and reserved. As provided for in the proposed rule, the content of this former section is moved to final § 250.739. BSEE received no comments on the proposed removal and reservation of this section and the final rule implements that action.

What are my well-control fluid requirements? (§ 250.1709)

This section is removed and reserved. As provided for in the proposed rule, the content of this former section is moved to final § 250.720. BSEE received no comments on the proposed removal and reservation of this section and the final rule implements that action.

How must I permanently plug a well? (§ 250.1715)

As provided for in the proposed rule, BSEE proposed to revise paragraph (a)(3)(iii)(B) of existing § 250.1715 to require that "casing" bridge plugs must be set 50 to 100 feet above the top of the perforated interval. After consideration of comments on the proposed rule, BSEE has made no changes to the proposed language in the final rule.

Comments Related to Proposed § 250.1715—Abandonment and Isolating Zones

Summary of comments: A commenter suggested revising § 250.1715 to add new regulatory requirements for abandonment and isolating zones.

- *Response:* This comment and the suggested revision to § 250.1715 are outside the scope of this rulemaking, and the suggested changes are not necessary or appropriate for consideration at this time.

After I permanently plug a well, what information must I submit? (§ 250.1717)

This section is removed and reserved. The content of this former section is moved to final § 250.744. BSEE received no comments on the proposed removal and reservation of this section and the final rule implements that action.

If I temporarily abandon a well that I plan to re-enter, what must I do? (§ 250.1721)

As provided for in the proposed rule, paragraph (g) is removed from existing § 250.1721 and former paragraph (h) is redesignated as paragraph (g). The content of former paragraph (g)—regarding submission of an APM within 30 days after temporarily plugging a well—has been moved to final § 250.744. BSEE received no substantive comments on this provision of the proposed rule and made no changes to the proposed language in the final rule.

VII. Derivation Tables

The following tables are intended to provide information about the derivation of new requirements in subparts A, B, D, E, F, G, P, and Q of part 250. These tables illustrate:

—The destination of various current requirements.
—The organization and content of the revisions.

These tables do not provide definitive or exhaustive guidance, and should be used as reference material and in conjunction with the section-by-section discussion and regulatory text of this rule.

The following sections in 30 CFR part 250, subparts D, E, F, and Q have been [Removed and/or Reserved] according to the following table.

Subpart	Removed and/or reserved in 30 CFR part 250
D	401, 402, 403, 406, 417, 424, 425, 426, 440 through 451, 466 through 469.
E	502, 506 through 508, 515 through 517.
F	602, 606 through 608, 615, 617, 618.
Q	1705, 1707 through 1709, 1717.

The rule makes changes as outlined in the following table:

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Prior Regulations Section	**New Rule Section**	**Nature of Change**
		(k) to help ensure the well's structural integrity and submission of any additional information required by the District Manager.
250.415(a)	250.415(a)	Revised paragraph (a) for casing information in all sections for each casing interval.
250.416	250.416(a), (b); 250.730; 250.731; 250.732	Revised to remove only the BOP descriptions in the regulatory text and section heading.
250.417	250.713	Removed - similar language found in new subpart G.
250.418(g)	250.418(g)	Revised to include a description of how far below the mudline the operator proposes to displace cement in the request for approval; revised citation.
250.420	250.420	Revised the introductory paragraph to include applicable casing and cementing requirements in subpart G; added new paragraph (a)(6) to require adequate centralization to ensure proper cementation; added new paragraph (b)(4) requiring District Manager approval before installing a different casing than what was approved in the APD; modified paragraph (c) requiring the use of a weighted fluid.
250.421	250.421(b) and (f)	Revised paragraph (b) so casing would have to be set immediately and set above the encountered zone, even if it is before the planned casing point if oil or gas or unexpected formation pressure arises. Revised paragraph (f) to no longer allow liners to be installed as conductor casing.
250.423	250.423	Revised the section heading and removed the pressure testing and negative pressure testing requirements; added clarification about latching mechanisms. Edited the remaining paragraphs of

Prior Regulations Section	New Rule Section	Nature of Change
		§ 250.423 for organization.
250.423(a) and (c)	250.721	Removed - similar language found in new subpart G.
250.424	250.722	Removed - similar language found in new subpart G.
250.425	250.721	Removed - similar language found in new subpart G.
250.426	250.746	Removed - similar language found in new subpart G.
250.427(b)	250.427(b)	Revised paragraph (b) to clarify that operators must maintain a safe drilling margin.
250.428	250.428	Revised paragraphs (b) through (d). Paragraph (b) requires approval for hole interval drilling depth changes greater than 100 ft. TVD, and the submittal of a PE certification that the certifying PE reviewed and approved the proposed changes; paragraph (c) clarifies requirements when there is any indication of an inadequate cement job; and paragraph (d) clarifies that if there is an inadequate cement job, the District Manager has to review and approve all remedial actions; that the changes to the well program are reviewed, approved, and certified by a PE; and any other requirements of the District Manager. New paragraph (k) adds requirements concerning the use of valves on drive pipe during cementing operations.
250.440	250.730	Removed - similar language found in new subpart G.
250.441	250.733; 250.735	Removed - similar language found in new subpart G.
250.442	250.734	Removed - similar language found in new subpart G.
250.443	250.734; 250.735	Removed - similar language found in new Subpart G.

Prior Regulations Section	New Rule Section	Nature of Change
250.443(c) and (d)	250.733	Removed - similar language found in new subpart G.
250.444	250.736	Removed - similar language found in new subpart G.
250.445	250.736	Removed - similar language found in new subpart G.
250.446	250.739	Removed - similar language found in new subpart G.
250.447	250.737	Removed - similar language found in new subpart G.
250.448	250.737	Removed - similar language found in new subpart G.
250.449	250.737	Removed - similar language found in new subpart G.
250.450	250.746	Removed - similar language found in new subpart G.
250.451	250.738	Removed - similar language found in new subpart G.
250.456(k)	250.456(j)	Redesignated.
250.456(j)	250.720	Removed - similar language found in new subpart G.
NEW	250.462	New section heading and requirements to demonstrate deepwater well containment.
250.462	250.710 and 250.711	Removed heading and requirements for well-control drills - similar language found in new subpart G.
250.465(b)(3)	250.465(b)(3)	This paragraph was revised to update the citation for the EOR form, BSEE-0125.
250.466	250.740	Removed - similar language found in new subpart G.
250.467	250.741	Removed - similar language found in new subpart G.
250.468(a)	250.742	Removed - similar language found in new subpart G.
250.468(b) and (c)	250.743	Removed - similar language found in new subpart G.
250.469	250.745	Removed - similar language found in new subpart G.
Subpart E		
250.500	250.500	Revised section heading and

Prior Regulations Section	New Rule Section	Nature of Change
		requirements to encompass General Requirements and direct compliance with new subpart G where applicable.
250.502	250.723	Removed - similar language found in new subpart G.
250.506	250.710	Removed - similar language found in new subpart G.
250.514(d)	250.720	Removed - similar language found in new subpart G.
250.515	250.731; 250.732	Removed - similar language found in new subpart G.
250.516	250.730; 250.733; 250.734; 250.735; 250.736	Removed - similar language found in new subpart G.
250.517	250.711; 250.737, 250.738, 250.739; 250.746	Removed - similar language found in new subpart G.
250.518	250.518(e), (f)	Removed paragraph (b) and redesignated the remaining paragraphs. Added new paragraphs (e) and (f) to add API Spec. 11D1, packer and bridge plug requirements, and a description of calculations of packer setting depth.
250.518(b)	250.722	Redesignated and revised to include additional requirements for prolonged operations.
Subpart F		
250.600	250.600	Revised section heading and requirements to encompass General Requirements and direct compliance with new subpart G where applicable.
250.602	250.723	Removed - similar language found in new subpart G.
250.606	250.710	Removed - similar language found in new subpart G.
250.614(d)	250.720	Removed - similar language found in new subpart G.
250.615	250.731; 250.732	Removed - similar language found in new subpart G.

Prior Regulations Section	**New Rule Section**	**Nature of Change**
250.616(a) through (e)	250.730; 250.733; 250.734; 250.735; 250.736	Removed - similar language found in new subpart G.
250.616(f) through (h)	250.616(a) through (c)	Redesignated with no changes made to regulatory text.
250.617	250.711; 250.737; 250.746	Removed - similar language found in new subpart G.
250.618	250.739	Removed - similar language found in new subpart G.
250.619	250.619	Removed paragraph (b) and redesignated the section. Added new paragraphs (e) and (f) to add packers and bridge plug requirements, API Spec. 11D1, and a description of calculations of packer setting depth.
250.619(b)	250.722	Redesignated and revised to include additional requirements for prolonged operations.
New Subpart G		
General requirements		
NEW	250.700	New section describing what operations and equipment are subject to the requirements.
250.408	250.701	Similar language pertaining to alternative procedures or equipment.
250.409	250.702	Similar language pertaining to departures.
250.401	250.703	Similar language containing requirements to keep wells under control.
Rig Requirements		
250.462; 250.506; 250.606	250.710	Similar language was revised and incorporated into this section about instructions for rig personnel.
250.462; 250.517; 250.617; 250.1707	250.711	Similar language was revised and incorporated into this section about well-control drills.
250.403	250.712	Similar language was revised and incorporated into this section about rig movement notifications.

Prior Regulations Section	**New Rule Section**	**Nature of Change**
250.417	250.713	Similar language was revised and incorporated into this section about MODUs or lift boat requirements for well operations.
NEW	250.714	New section about dropped objects plans.
NEW	250.715	New section about GPS for MODUs and jack-ups.
Well Operations		
250.402; 250.456(j); 250.514(d); 250.614(d); 250.1709	250.720	Similar language was revised and incorporated into this section about securing a well.
250.423(a), (c); 250.425	250.721	Similar language was revised and incorporated into this section about pressure testing casing and liners.
250.424; 250.518; 250.619	250.722	Similar language was revised and incorporated into this section pertaining to prolonged well operations.
250.406; 250.502; 250.602	250.723	Similar language from §§ 250.406, 250.502, and 250.602 was revised and incorporated into this section relating to safety measures on a platform producing wells or other hydrocarbon flow.
NEW	250.724	New section relating to RTM requirements.
Blowout Preventer (BOP) System Requirements		
250.416; 250.440; 250.516; 250.616(a) through (e); 250.1706	250.730	Similar language was revised and incorporated into this section about general requirements for BOP systems and their components.
250.416; 250.515; 250.615; 250.1705	250.731	Similar language was revised and incorporated into this section about submittal requirements for information about BOP systems and their components.
250.416; 250.515; 250.615; 250.1705	250.732	Similar language was revised and incorporated into this section relating to third-party information for BOP systems and their components.
250.441; 250.443(c), (d); 250.516;	250.733	Similar language was revised and incorporated into this section and

Prior Regulations Section	New Rule Section	Nature of Change
250.616(a) through (e); 250.1706		new language was added relating to requirements for a surface BOP stack.
250.442; 250.443(c), (d); 250.516; 250.616(a) through (e); 250.1706	250.734	Similar language was revised and incorporated into this section and new language was added relating to requirements for a subsea BOP system.
250.441; 250.443; 250.516; 250.616; 250.1706	250.735	Similar language was revised and incorporated to this section and new language was added relating to equipment and systems all BOPs must have.
250.444; 250.445; 250.516; 250.616(a) through (e); 250.1707	250.736	Similar language was revised and incorporated into this section pertaining to requirements for choke manifolds, kelly valves, inside BOPs, and drill string safety valves.
250.447; 250.448; 250.449; 250.517; 250.617; 250.1707	250.737	Added new language and similar language was revised and incorporated into this section relating to BOP system testing requirements.
250.451 and 250.517	250.738	Added new language and similar language was revised and incorporated into this section for situations arising involving BOP equipment or systems.
250.446; 250.517; 250.618; 250.1708	250.739	Similar language was revised and incorporated into this section pertaining to BOP maintenance and inspection requirements.
	Records and Reporting	
250.466	250.740	Redesignated and revised the types of records to keep.
250.467	250.741	Redesignated and added records relating to RTM data.
250.468(a)	250.742	Redesignated.
250.468(b) and (c)	250.743	Redesignated and revised to include more requirements for the well activity reporting.
250.465; 250.1712; 250.1717	250.744	Redesignated and revised to include additional end of operation

Prior Regulations Section	**New Rule Section**	**Nature of Change**
		reporting requirements.
250.469	250.745	Redesignated and revised to update references.
250.426; 250.450; 250.517; 250.617; 250.1707	250.746	Similar language was revised and incorporated into this section pertaining to recordkeeping for casing, liner, and BOP tests.
Subpart P		
250.1612	250.1612	Revised to update references.
Subpart Q		
250.1703	250.1703	Revised paragraph (b) to have new packers and bridge plug requirements, including API Spec. 11D1. Revised paragraph (e); Redesignated existing paragraph (f) as (g); and added a new paragraph (f) to follow the applicable requirements of subpart G.
250.1704	250.1704	Revised paragraphs (g) and added new paragraph (h) about APMs and EORs.
250.1705	250.731, 250.732	Removed - similar language found in new subpart G.
250.1706(a) through (e)	250.730; 250.733, 250.734, and 250.735	Removed - similar language found in new subpart G.
250.1706(f) through (h)	250.1706(a) through (c)	Revised the section heading; redesignated.
250.1707	250.711, 250.736, 250.737, 250.746	Removed - similar language found in new subpart G.
250.1708	250.739	Removed - similar language found in new subpart G.
250.1709	250.720	Removed - similar language found in new subpart G.
250.1715(a)(3)(iii)(B)	250.1715(a)(3)(iii)(B)	Added the word "casing."
250.1717	250.744	Removed - similar language found in new subpart G.
250.1721(g)	250.744	Removed - similar language found in new subpart G.
250.1721(h)	250.1721(g)	Redesignated and text remains unchanged.

VIII. Procedural Matters

Regulatory Planning and Review (Executive Orders (E.O.) 12866 and 13563)

E.O. 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. To determine if this rulemaking is a significant rule, BSEE prepared an economic analysis to assess the anticipated costs and potential benefits of the rulemaking.

Changes to Federal regulations must undergo several types of economic analyses. First, E.O. 12866 and E.O. 13563 direct agencies to assess the costs and benefits of regulatory alternatives and, if regulation is necessary, to select a regulatory approach that maximizes net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Under E.O. 12866, an agency must determine whether a regulatory action is significant and, therefore, subject to the requirements of E.O. 12866, including review by OMB. Section 3(f) of E.O. 12866 defines a "significant regulatory action" as any regulatory action that is likely to result in a rule that:

—Has an annual effect on the economy of $100 million or more, or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as "economically significant");

—Creates serious inconsistency or otherwise interferes with an action taken or planned by another agency;

—Materially alters the budgetary impacts of entitlement grants, user fees, loan programs, or the rights and obligations of recipients thereof; or

—Raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

BSEE determined that this rule is a significant rulemaking within the definition of E.O. 12866 because the estimated annual costs or benefits would exceed $100 million in at least one year of the 10-year analysis period. Accordingly, OMB has reviewed this regulation.

The following discussion summarizes the economic analysis; for details, please refer to the final RIA, which can be viewed at *www.regulations.gov* (use the keyword/ID "BSEE–2015–0002").

1. Need for Regulation

BSEE identified a need to amend the existing BOP and well-control regulations to enhance the safety and environmental protection of offshore oil and gas operations on the OCS. This final rule creates 30 CFR part 250, subpart G—Well Operations and Equipment. This new subpart consolidates equipment and operational requirements that are contained in other subparts of part 250 pertaining to offshore oil and gas drilling, completions, workovers, and decommissioning. The rule also revises existing provisions throughout subparts D, E, F, and Q of part 250 to address concerns raised in the investigations, BSEE's internal reviews, the 2012 BSEE public forum and other input from stakeholders and the public. The rule addresses and implements multiple recommendations resulting from various investigations of the *Deepwater Horizon* incident.[21] The rule also incorporates guidance from several NTLs and revises provisions related to drilling, workover, completion, and decommissioning operations to enhance safety and environmental protection.

2. Alternatives

BSEE has considered three regulatory alternatives:

(1) Promulgate the requirements contained in the proposed rule, including decreasing the BOP pressure testing frequency for workover and decommissioning operations from the current requirement of once every 7 days to once every 14 days;

(2) Promulgate the requirements contained within the proposed rule with a change to the required frequency of BOP pressure testing from the existing regulatory requirements (*i.e.,* once every 7 or 14 days depending upon the type of operation) to once every 21 days for all operations; and

(3) Take no regulatory action and continue to rely on existing BOP regulations in combination with permit conditions, DWOPs, operator prudence, and industry standards as applicable to BOP systems.

By taking no regulatory action, BSEE would leave unaddressed most of the concerns and recommendations that were raised regarding the safety of offshore oil and gas operations and the potential for another catastrophic event with consequences similar to those of *Deepwater Horizon.*

Alternative 2 (changing the required frequency of BOP pressure testing to once every 21 days for all operations) was not selected because BSEE lacks critical data on testing frequency and equipment reliability to choose this alternative.

BSEE has elected to move forward with Alternative 1—the final rule—which incorporates recommendations provided prior to the proposed rule by government, industry, academia, and other stakeholders. However, as discussed in detail earlier in this preamble, the final rule does include certain revisions based on BSEE consideration of recommendations contained in public comments on the proposed rule, including incorporation of relevant elements of API Standard 53 and related standards. In addition to addressing concerns and aligning with industry standards, BSEE is advancing several of the more critical well-control capabilities beyond current industry standards applicable to BOP systems based on agency knowledge, experience and technical expertise. The rule will also improve efficiency and consistency of the regulations and allow for flexibility in future rulemakings.

3. Economic Analysis

BSEE's initial economic analysis, for the proposed rule, and final economic analysis evaluated the expected impacts of the rule as compared to the baseline, which includes current industry practices in accordance with existing regulations, DWOPs, and industry standards with which operators already comply.[22] Impacts that exist as part of the baseline were not considered costs or benefits of the rule.

The final analysis covers 10 years (2016 through 2025) to ensure it encompasses the significant costs and benefits likely to result from the rule.[23] We used a 10-year analysis period because of the uncertainty associated with predicting industry's activities and the advancement of technical capabilities beyond 10 years. When summarizing the costs and benefits, we present the estimated annual effects, as well as the 10-year discounted totals using discount rates of 3 and 7 percent, per OMB Circular A–4, "Regulatory Analysis" (2003).

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[21] The DOI JIT report, September 14, 2011, Report Regarding the Causes of the April 20, 2010 Macondo Well Blowout; The National Commission final report, January 11, 2011, Deep Water, The Gulf Oil Disaster and the Future of Offshore Drilling; The Chief Counsel for the National Commission report, February 17, 2011, Macondo The Gulf Oil Disaster; the National Academy of Engineering final report, December 14, 2011, Macondo Well-*Deepwater Horizon* Blowout; May 22, 2012, BSEE Public Offshore Energy Safety Forum.

[22] BSEE considers compliance with permits, DWOPs, and industry standards to be "self-implementing," as addressed in Section E.2 of OMB Circular A–4, "Regulatory Analysis" (2003), and thus includes these costs in the baseline for the economic analysis. The industry standards relevant to this rule were developed by committees of industry members and others and subsequently approved by an industry standards development organization (*e.g.,* API).

[23] The initial economic analysis, which accompanied the proposed rule published in April 2015, also used a 10-year analysis period, from 2015 through 2024.

We sought to quantify and monetize the costs of the following provisions:

(a) Additional information in the description of well drilling design criteria;

(b) Additional information in the drilling prognosis;

(c) Prohibition of a liner as conductor casing;

(d) Additional capping stack testing requirements;

(e) Additional information in the APM for installed packers;

(f) Additional information in the APM for pulled and reinstalled packers;

(g) Rig movement reporting;

(h) Fitness requirements for MODUs;

(i) Foundation requirements for MODUs;

(j) RTM of well operations for rigs under certain circumstances (*e.g.,* rigs with a subsea BOP);

(k) Additional documentation and verification requirements for BOP systems and system components;

(l) Additional information in the APD, APM, or other submittal for BOP systems and system components;

(m) Submission by the operator of an MIA Report completed by a BAVO;[24]

(n) New surface BOP system requirements;

(o) New subsea BOP system requirements;

(p) New accumulator system requirements;

(q) Chart or digital recorders;

(r) Notification and procedures requirements for testing of surface BOP systems;

(s) Alternating BOP control station function testing;

(t) ROV intervention function testing;

(u) Autoshear, deadman, and EDS function testing on subsea BOPs;

(v) Approval for well-control equipment not covered in Subpart G;

(w) Breakdown and inspection of BOP systems and components;

(x) Additional recordkeeping for RTM data;

(y) Industry familiarization with the new rule; and

(z) BAVO application costs.

BSEE also quantified and monetized the potential benefits of the rule, including time savings, reductions in oil spills, and reductions in fatalities. We estimated the benefits derived from time savings associated with § 250.737 of the rule, which streamlines BOP testing for workover. We also estimated time-savings benefits associated with a change in the required frequency of BOP pressure testing under Alternative 1 and Alternative 2, both of which would reduce the number of required BOP pressure tests per year (by reducing test frequency to once every 14 days and 21 days, respectively). In addition, we estimated the benefits derived from the reduction in oil spills and fatalities using the incident-reducing potential of the rule as a whole.

BSEE received comments from the public on various aspects of the economic analysis of the proposed rule. Some commenters expressed concerns about costs that, to them, appeared to be underestimated or not included as impacts of the proposed rule. BSEE reviewed these comments and any new cost information provided by commenters. BSEE then either revised the analysis as appropriate to reflect this new information, or retained the original cost estimates and provided a justification for doing so. With regard to costs that some commenters thought were missing from the initial economic analysis, BSEE notes that many of these costs are actually for items that are included in the regulatory baseline, and thus are not impacts attributable to the rule. In addition, comments on costs were received in reference to some specific requirements in the proposed rule that have not been retained in the final rule. As a result, many of the comments regarding costs of the proposed rule (including but not limited to the potential costs associated with the proposed accumulator capacity requirements and the proposed mandatory 0.5 ppg safe drilling margin) are no longer applicable to the requirements of the final rule.

Another issue regarding the initial economic analysis for the proposed rule related to requirements on various topics that overlapped with each other. In these cases, a particular cost could be attributed to multiple topics. As a result, some comments identified certain costs as missing in the initial RIA, when, in fact, the initial RIA did account for those costs under a related topic to which the commenter may not have attributed the cost. In other cases, however, BSEE found comments on costs to be quite relevant, and made use of the information in those comments to revise the final economic analysis.

In response to comments expressing concern that the 10-year analysis period is too short, BSEE notes that the uncertainty associated with predicting industry activities, the advancement of technical capabilities, and oil price volatility makes it difficult to predict costs that would accrue to industry for a timeframe much longer than 10 years. BSEE also received comments suggesting that other aspects of the rule should be considered, such as the broader, indirect economic impacts that may occur as a result of the rule. BSEE considered and addressed these comments. More details on the public comments on the economic analysis, and BSEE's responses to the comments are in part VI.B.6 of this document.

According to the analytical findings, the time-savings benefits of the final rule result in benefits greater than the costs of the rule. In other words, based on available data, the rule will be cost-beneficial even when only the benefits resulting from time-savings are considered.

The final rule will result in benefits to society by reducing the probability of incidents involving oil spills. The provisions with the highest costs to industry (such as RTM requirements for well operations and alternating BOP control station function testing) would have the largest impact on reducing spills. Benefits of the rule will result from the avoided costs associated with oil spills related to personal injuries, natural resource damages, lost hydrocarbons, spill containment and cleanup, lost recreational opportunities, and impacts to commercial fishing.

To estimate the potential benefits of the rule associated with reducing the risk of oil spill incidents, we examined historical data from the BSEE oil spill database, which contains information for spills greater than 10 barrels of oil for the GOM and Pacific regions. Based upon an analysis of the BSEE oil spill database during the period 1988 to 2010, BSEE identified LWCs associated with oil spills greater than 10 barrels and used this data within the economic analysis.[25] BSEE used 1988 as the starting year of the analysis because DOI undertook a comprehensive overhaul of its offshore regulatory program in that year, which thus provides the most relevant context for evaluating the current state of risk that now exist in OCS offshore operations. The LWCs that resulted in uncontrolled flow of gas, damage to a rig, and/or harm to personnel (but not oil spills over 10 barrels) are not reflected in this analysis.[26]

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[24] A verification organization seeking BSEE's approval to become a BAVO is required to submit documentation describing the organization's applicable qualification and experience. (*See* § 250.732(a).)

[25] Source: *http://www.bsee.gov/Inspection-and-Enforcement/Accidents-and-Incidents/Spills/.*

We reviewed the causes of risk without the rule and how those causes of risk would be affected by the rule. In order not to overstate the potential risk reduction, we assumed a 1 percent risk reduction in the likelihood of all oil spills.[27] We multiplied the expected annual number of spilled barrels of oil (based on the observed average of spilled oil per well) by 1 percent to estimate the expected annual reduction in barrels of oil spilled associated with the rule.

We then multiplied the annual reduction in spilled barrels of oil by the social and private costs of a spilled barrel of oil, which is estimated at $3,658 (in 2014 dollars) per barrel. This estimate was derived from the "Economic Analysis Methodology for the Five Year OCS Oil and Gas Leasing Program for 2012–2017" (hereafter referred to as the "BOEM Case Study"),[28] and includes costs associated with natural resource damages, the value of lost hydrocarbons, and spill cleanup and containment.[29] We used a natural resource damage cost of $662 per barrel and a cleanup and containment cost of $2,946 per barrel as estimated for the GOM in the Bureau of Ocean Energy Management (BOEM) Case Study (both values adjusted to 2014 dollars). We assumed a value of lost output per barrel of $50.

In addition to the time-savings and risk reduction benefits, the final rule has other benefits. Due to difficulties in measuring and monetizing these benefits, BSEE does not offer a quantitative assessment of them. BSEE has used a conservative approach (one that seeks to avoid over-estimating the benefits) in the valuation of an oil spill, including only selected costs of such a spill. For example, although the analysis captures the environmental damage associated with a spill, the analysis is limited because it considers only the environmental amenities that researchers could identify and monetize. Therefore, the resulting benefits of avoiding a spill should be considered as a lower bound estimate of the true benefit to society that results from decreasing the risk of oil spills.

Exhibit 1 displays the net benefits of the rule under the assumption that the reduction in the risk of incidents is 1 percent. Although BSEE believes the risk reduction of the rule to be at least 1 percent, and likely higher, there is uncertainty around the level of risk reduction the rule would actually achieve.

EXHIBIT 1: SUMMARY OF NET BENEFITS (AT A 1-PERCENT RISK REDUCTION FROM THE RULE) (Millions of 2014 dollars)[1]

	Year	Total Benefits (Alternative 1)	Total Costs	Net Benefits (Alternative 1)
1	**2016**	$152.650	$150.361	$2.289
2-10	**Each year 2017-2025**	$152.650	$82.217	$70.433
Undiscounted 10-year total		**$1,526.497**	**$890.309**	**$636.187**
10-Year Total with 3% discounting		**$1,341.197**	**$790.509**	**$550.688**
10-Year Total with 7% discounting		**$1,147.198**	**$686.023**	**$461.175**
10-year Average		**$152.650**	**$89.031**	**$63.619**
Annualized with 3% discounting		**$157.229**	**$92.672**	**$64.557**
Annualized with 7% discounting		**$163.335**	**$97.674**	**$65.661**

[1] Totals may not add because of rounding.

4. Sensitivity Analysis

This section presents a sensitivity analysis of the potential benefits of the rule that could result from varying the following factors:

a. The level of risk reduction of oil spills achieved by the rule, and

b. The level of risk reduction of fatalities achieved by the rule

Exhibit 2 presents the total 10-year benefits and net benefits under a range of possible annual risk reduction levels for oil spills from 0 to 20 percent. The final rule is expected to have positive net benefits across the full range of risk reduction levels.

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[26] Previous MMS data indicate that there were a total of 154 LWCs during well operations on the OCS between 1988 and 2015. These LWCs resulted in 14 fatalities, 55 injuries, damage to facilities and equipment, and the release of hydrocarbons.

[27] Several recent studies have estimated the probabilities of blowout failures under a wide range of circumstances. *See, e.g.,* "Blowout Preventer (BOP) Failure Event and Maintenance, Inspection and Test (MIT) Data Analysis for the Bureau of Safety and Environmental Enforcement (BSEE)." American Bureau of Shipping and ABSG Consulting Inc., (under BSEE contract M11PC000027), June 2013; "Improved Regulatory Oversight Using Real-Time Data Monitoring Technologies in the Wake of Macondo," K. Carter, U, of Texas at Austin, 2014, published with E. van Oort and A Barendrecht, Society of Petroleum Engineers, 2014; "*Deepwater Horizon* Blowout Preventer Failure Analysis Report to the U.S. Chemical Safety and Hazard Investigation Board," Engineering Services, LP, 2014. Given this accumulated knowledge of failure likelihoods under various circumstances, and analysis of how those likelihoods would be reduced by the rule, BSEE determined that 1 percent is a reasonable lower-bound of risk reduction that could occur as a result of the rule, although in BSEE's expert opinion, the actual risk reduction from the rule will likely be substantially higher than 1 percent.

[28] U.S. Department of the Interior, BOEM, 2012, Economic Analysis Methodology for the Five Year OCS Oil and Gas Leading Program for 2012–2017. BOEM OCS Study 2012–022.

[29] The BOEM Case Study presents per-barrel costs associated with a catastrophic event. We use this estimate because the BOEM Case Study represents a recent estimate for the costs associated with an oil spill which includes data from the *Deepwater Horizon* incident.

EXHIBIT 2: SUMMARY OF NET BENEFITS UNDER DIFFERENT RISK REDUCTION LEVELS (Millions of 2014 Dollars)

Annual Risk Reduction	Annual Benefits	Total 10-Year Benefits (7% Discounting)	Total 10-Year Benefits (3% Discounting)	Total 10-Year Net Benefits (Undiscounted)	Total 10-Year Net Benefits (7% Discounting)	Total 10-Year Net Benefits (3% Discounting)
0%	$0	$1,127	$1,318	$610	$441	$527
1%	$3	$1,147	$1,341	$636	$461	$551
2%	$5	$1,167	$1,364	$663	$481	$574
3%	$8	$1,187	$1,388	$689	$501	$597
4%	$11	$1,207	$1,411	$716	$521	$621
5%	$13	$1,227	$1,434	$742	$541	$644
6%	$16	$1,247	$1,458	$769	$561	$667
7%	$19	$1,267	$1,481	$795	$581	$690
8%	$21	$1,287	$1,504	$822	$601	$714
9%	$24	$1,307	$1,527	$848	$620	$737
10%	$26	$1,326	$1,551	$875	$640	$760
11%	$29	$1,346	$1,574	$901	$660	$783
12%	$32	$1,366	$1,597	$928	$680	$807
13%	$34	$1,386	$1,621	$954	$700	$830
14%	$37	$1,406	$1,644	$981	$720	$853
15%	$40	$1,426	$1,667	$1,007	$740	$877
16%	$42	$1,446	$1,690	$1,034	$760	$900
17%	$45	$1,466	$1,714	$1,060	$780	$923
18%	$48	$1,486	$1,737	$1,087	$800	$946
19%	$50	$1,506	$1,760	$1,113	$820	$970
20%	$53	$1,526	$1,784	$1,140	$840	$993

In addition to the time-savings and the prevention of oil spills benefits, the rule is anticipated to reduce fatalities among rig workers. The oil and gas extraction industry constitutes a relatively small percentage of the national workforce, but has a fatality rate that is higher than the rate for most industries.

The benefits of occupational risk reduction are usually measured using the *value of a statistical life* (VSL). BSEE used a VSL of $8.7 million to estimate the avoided costs associated with a reduction in the fatality rate. This is the EPA-recommended estimate of $7.9 million updated to 2014 dollars.

Exhibit 3 presents the resulting total 10-year fatality risk reduction benefit across a range of risk reduction values from 0 to 20 percent. The exhibit also presents the undiscounted and discounted 10-year total net benefits when fatality risk reduction is considered in addition to the benefits of the rule included in the analysis presented above (assuming a 1 percent risk reduction in the probability of incidents involving oil spills).[30]

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[30] Between 1964 and 2010, there were 27 LWcs resulting in oil spills greater than 10 barrels. Two of these events resulted in fatalities, a 1984 blowout and the 2010 *Deepwater Horizon* incident that resulted 4 and 11 fatalities, respectively. Based on the 47-year period from 1964 to 2010, the average number of fatalities was approximately 0.320 annually. Using a VSL of $8,423,301, the average value of fatalities is $2,691,423 per year. Therefore, each 1 percent reduction in the risk of a fatality results in a risk reduction benefit of $26,914.

EXHIBIT 3: MONETIZED BENEFITS FROM AVERTED FATALITIES w/ NET BENEFITS
(Millions of 2014 Dollars)

Fatality Risk Reduction	Fatality Risk Reduction Benefit (Total 10-year)	Net Benefits of Rule Without Fatality Risk Reduction (at a 1-Percent Risk Reduction) (Total 10-year)	Net Benefits of Rule With Fatality Risk Reduction (at a 1-Percent Risk Reduction) (Total 10-year)		
	Undiscounted	Undiscounted	Undiscounted	3% Discounting	7% Discounting
0%	$0.000	$636	$636	$551	$461
1%	$0.278	$636	$636	$551	$461
2%	$0.555	$636	$637	$551	$462
3%	$0.833	$636	$637	$551	$462
4%	$1.110	$636	$637	$552	$462
5%	$1.388	$636	$638	$552	$462
6%	$1.665	$636	$638	$552	$462
7%	$1.943	$636	$638	$552	$463
8%	$2.220	$636	$638	$553	$463
9%	$2.498	$636	$639	$553	$463
10%	$2.775	$636	$639	$553	$463
11%	$3.053	$636	$639	$553	$463
12%	$3.330	$636	$640	$554	$464
13%	$3.608	$636	$640	$554	$464
14%	$3.885	$636	$640	$554	$464
15%	$4.163	$636	$640	$554	$464
16%	$4.440	$636	$641	$555	$465
17%	$4.718	$636	$641	$555	$465
18%	$4.995	$636	$641	$555	$465
19%	$5.273	$636	$641	$555	$465
20%	$5.550	$636	$642	$556	$465

BSEE has concluded that, after considering all of the impacts of the final rule, the societal benefits justify the societal costs. In fact, as previously explained, BSEE estimates that, over the 10-year economic analysis period, the quantifiable benefits of the rule (*i.e.*, $1,147 million with 7 percent discounting) will substantially exceed the quantifiable costs (*i.e.*, $686 million with 7 percent discounting). (See Exhibit 1.)

5. Probabilistic Risk Assessment

The benefits (and costs) of a regulation are based on the difference between the baseline (*i.e.*, status quo) and the state of the world under the regulation. In relation to safety, environmental, and security benefits, one approach to estimating the benefits is based on the amount of risk reduction. In general, risk can be reduced in two distinct ways: By decreasing the probability of the event, and/or by decreasing the consequences of the event. The evaluation of the reduction in risk typically can be performed in either a deterministic or probabilistic approach.

Historically, BSEE has evaluated the reduction of risk based on a deterministic approach. A probabilistic approach, however, could enhance and extend more traditional approaches by: (1) Allowing consideration of a broader set of potential challenges; (2) providing a logical means for prioritizing these challenges based on risk significance; and (3) allowing consideration of a broader set of resources to address these challenges. Probabilistic risk assessments have been used in some cases by certain Federal agencies including the U.S. Nuclear Regulatory Commission, DHS, and the National Aeronautics and Space Administration.

BSEE, however, does not currently collect data that provides a comprehensive basis for a probabilistic risk model. In addition, BSEE is not aware of any current industry-wide efforts to collect data for such a purpose, although BSEE has requested that the Ocean Energy Safety Institute develop a database related to equipment reliability that might provide useful information for the future development of a probabilistic risk assessment.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) requires agencies to prepare a regulatory flexibility analysis to determine whether a regulation can be expected to have a significant economic impact on a substantial number of small entities. Further, the Small Business Regulatory Enforcement Fairness Act (SBREFA) at (5 U.S.C. 801 *et seq.*) requires that an agency produce compliance guidance for small entities if the rule will have a significant economic impact. For the reasons explained in this section, BSEE believes that this rule will likely have a significant economic impact on a substantial number of small entities and, therefore, a regulatory flexibility analysis is required by the RFA. This Final Regulatory Flexibility Analysis assesses the impact of the rule on small entities, as defined by the applicable Small Business Administration (SBA) size standards.

1. Description of the Reasons for the Actions Being Taken by the Agency

BSEE identified a need to amend the existing Blowout Preventer (BOP) and well-control regulations to enhance the safety and environmental protection of oil and gas operations on the OCS. In particular, BSEE considers this rule necessary to reduce the likelihood of any oil or gas blowout, which can lead to the loss of life, serious injuries, and harm to the environment. As was evidenced by the *Deepwater Horizon* incident (which began with a blowout at the Macondo well on April 20, 2010), blowouts can result in catastrophic consequences.[31] The Federal government and industry conducted multiple investigations to determine the causes of the *Deepwater Horizon* incident; many of these investigations identified BOP performance as a concern. BSEE convened Federal decision-makers and stakeholders from the OCS oil and gas industry, academia, and other entities at a public forum on offshore energy safety on May 22, 2012, to discuss ways to address this concern. The investigations and the forum resulted in a set of recommendations to improve BOP performance. (*see* proposed rule, 80 FR 21508–21511 (April 17, 2015).)

As an agency charged with oversight of offshore operations conducted on the OCS, BSEE seeks to improve safety and mitigate risks associated with such operations. After careful consideration of the various investigations conducted after the *Deepwater Horizon* incident, and of industry's responses to the incident, BSEE has determined that the requirements contained in this rule are necessary to fulfill BSEE's statutory responsibility to regulate offshore oil and gas operations and to enhance the safety of offshore exploration, production, and development. (*See* 43 U.S.C. 1347–1348; 30 CFR 250.101.) BSEE has also determined that the BOP regulations need to be updated to incorporate certain recommendations as discussed in the preambles to the proposed and final rules (*e.g.*, 80 FR 21508–21511), while others are being studied for consideration in future rulemakings. The rule creates a new subpart G in 30 CFR part 250 to consolidate the requirements for drilling, completion, workover, and decommissioning operations. Consolidating these requirements will improve efficiency and consistency of the regulations and allow for flexibility in future rulemakings. The rule also revises existing provisions throughout Subparts D, E, F, and Q to address concerns raised in the investigations, BSEE's internal reviews, the 2012 BSEE public forum, and other input from stakeholders and the public. The rule also incorporates guidance from several NTLs and revises provisions related to drilling, workover, completion, and decommissioning operations to enhance safety and environmental protection.

2. Description and Estimated Number of Small Entities Regulated

Small entities, as defined by the RFA, consist of small businesses, small governmental jurisdictions, or other small organizations. This analysis focuses on impacts to small businesses (hereafter referred to as "small entities") because we have not identified any impacts to small governmental jurisdictions or to other small organizations. A small entity is one that is independently owned and operated and which is not dominant in its field of operation.[32] The definition of small business varies from industry to industry in order to properly reflect industry size differences.

The rule will affect operators and holders of Federal oil and gas leases, as well as right-of-way holders, on the OCS. This includes 99 businesses with active operations.[33] Businesses that operate under this rule fall under the SBA's North American Industry Classification System (NAICS) codes 211111 (Crude Petroleum and Natural Gas Extraction) and 213111 (Drilling Oil and Gas Wells). For these NAICS classifications, a small business is defined as one with fewer than 501 employees. Based on these criteria, 50 (50.51 percent) of the businesses operating on the OCS are considered small, and the rest are considered large businesses. BSEE considers that a rule has an impact on a "substantial number of small entities" when the total number of small entities impacted by the rule is equal to or exceeds 10 percent of the relevant universe of small entities. Therefore, BSEE expects that the rule will affect a substantial number of small entities.

BSEE is using the estimated 99 businesses based on activity at the time this economic analysis was developed. The 99 businesses represent the best assessment of the total businesses operating in this arena at the time the economic analysis was developed. BSEE recognizes that this number is a dynamic number and can fluctuate;

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[31] For example, any approximation of cost would incorporate catastrophic spills such as the *Deepwater Horizon* incident. The cost to BP of cleanup operations for the *Deepwater Horizon* incident has been estimated at more than $14 billion. In addition to cleanup costs, BP has agreed to pay over $14 billion to Federal, state, and local governments for natural resources damages, economic damage claims, or other expenses in a proposed consent decree and proposed settlement agreement that has been approved by the court. Source: Ramseur, J.L., Hagerty, C.L. 2014. "Deepwater Horizon Oil Spill: Recent Activities and Ongoing Developments," Congressional Research Office. Available at: *http://www.fas.org/sgp/crs/misc/R42942.pdf*. *See* summary of settlement agreement regarding natural resources damages at *www.doi.gov/deepwaterhorizon* and at *http://www.justice.gov/enrd/deepwater-horizon*.

[32] *See* 5 U.S.C. 601.

[33] We used ReferenceUSA, a directory of business information for more than 14 million businesses in all zip codes of the United States, to identify the list of offshore oil and gas operators and their numbers of employees.

however, BSEE determined that this number of businesses was appropriate for this rulemaking.

3. Description and Estimate of Compliance Requirements

BSEE has estimated the incremental costs for small operators, lease holders, and right-of-way holders in the offshore oil and natural gas industry. Costs already incurred as a result of current industry practice in accordance with existing regulations, DWOPs, and API industry standards with which operators already comply were not considered as costs of this rule because they are part of the baseline.[34] All costs are presented in 2014 dollars.

As described in section 5 below, BSEE considered three regulatory alternatives:

(1) Promulgate the requirements contained in the rule, including decreasing the BOP testing frequency for workover and decommissioning operations from the current requirement of once every 7 days to once every 14 days. The following chart identifies the BOP testing changes related to Alternative 1;

BOP PRESSURE TESTING

Operation	Current testing frequency	New testing frequency
Drilling/Completions	Once every 14 days	Once every 14 days.
Workover/Decommissioning	Once every 7 days	Once every 14 days.

(2) Promulgate the requirements contained within the rule with a change to the required frequency of BOP pressure testing from the existing regulatory requirements (*i.e.*, once every 7 or 14 days, depending upon the type of operation) to once every 21 days for all operations. The following chart identifies the BOP testing changes related to Alternative 2;

BOP PRESSURE TESTING

Operation	Current testing frequency	New testing frequency (alternative 1)	Alternative 2 testing frequency
Drilling/Completions	Once every 14 days	Once every 14 days	Once every 21 days.
Workover/Decommissioning	Once every 7 days	Once every 14 days	Once every 21 days.

(3) Take no regulatory action and continue to rely on existing BOP regulations in combination with permit conditions, DWOPs, operator prudence, and industry standards as applicable to BOP systems.

By taking no regulatory action (Alternative 3), BSEE would leave unaddressed most of the concerns and recommendations that were raised regarding the safety of offshore oil and gas operations and the potential for another well control event with consequences similar to those of the *Deepwater Horizon* incident (see n. 9, *supra*).

Alternative 2 (changing the required frequency of BOP pressure testing to once every 21 days for all operations) was not selected because BSEE lacks critical data on testing frequency and equipment reliability to justify such a change at this time.

BSEE has elected to move forward with Alternative 1, the final rule, which incorporates recommendations provided by government, industry, academia, and other stakeholders prior to the proposed rule, as well as recommendations contained in public comments on the proposed rule. The final rule also incorporates elements of API Standard 53 and related standards. In addition to addressing concerns arising from the Deepwater Horizon incident and aligning with industry standards, the final rule advances several of the more critical well-control capabilities beyond current industry standards applicable to BOP systems based upon agency knowledge, experience and technical expertise. The final rule will also improve efficiency and consistency of the regulations and allow for flexibility in future rulemakings.

We have estimated the costs of the following provisions of the final rule:

(a) Additional information in the description of well drilling design criteria;

(b) Additional information in the drilling prognosis;

(c) Prohibition of a liner as conductor casing;

(d) Additional capping stack testing requirements;

(e) Additional information in the APM for installed packers;

(f) Additional information in the APM for pulled and reinstalled packers;

(g) Rig movement reporting;

(h) Fitness requirements for MODUs;

(i) Foundation requirements for MODUs;

(j) Monitoring of well operations with a subsea BOP;

(k) Additional documentation and verification requirements for BOP systems and system components;

(l) Additional information in the APD, APM, or other submittal for BOP systems and system components;

(m) Submission by the operator of an MIA Report completed by a BAVO;[35]

(n) New surface BOP system requirements;

(o) New subsea BOP system requirements;

(p) New accumulator system requirements;

(q) Chart or digital recorders;

(r) Notification and procedures requirements for testing of surface BOP systems;

(s) Alternating BOP control station function testing;

(t) ROV intervention function testing;

(u) Autoshear, deadman, and EDS function testing on subsea BOPs;

(v) Approval for well-control equipment not covered in subpart G;

(w) Breakdown and inspection of BOP system and components;

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[34] Industry standards are developed by industry members and technical experts in open meetings based on a consensus process. They contain the baseline requirements that the industry has deemed necessary to operate in a safe and reliable manner and are often incorporated into commercial contracts between operators and contractors.

[35] The approved verification organization will have to submit documentation for approval by BSEE describing the organization's applicable qualification and experience. See discussion on Third-party Verification in the final rule for further information.

(x) Additional RTM-related recordkeeping; and

(y) Industry familiarization with the new rule.

(z) BAVO application costs

These requirements and their associated costs to industry and government are discussed in the sections that follow. (Please note that the descriptions of the rule provisions presented in the RFA seek to mirror the language of the rule; however, only the final regulatory text is legally binding.)

(a) Additional Information in the Description of Well Drilling Design Criteria

As discussed in detail in the preamble to the final rule, § 250.413(g) requires information on safe drilling margins to be included in the description of the well drilling design criteria. Safe drilling margins are an important parameter in avoiding a fracturing of the formation or a compromise of the casing shoe integrity. Either of these factors could lead to erratic pressures and uncontrolled flows (*e.g.,* formation kicks) emanating from a well reservoir during drilling. This information is necessary for BSEE to better review the well drilling design and drilling program. The requirement to include information on the safe drilling margins in the well drilling design criteria results in an annual labor cost of about $300 per entity.[36]

(b) Additional Information in the Drilling Prognosis

Section 250.414 requires industry to provide additional information in the drilling prognosis. New paragraph (j) requires the drilling prognosis to identify the type of wellhead system to be installed with a descriptive schematic, which should include pressure ratings, dimensions, valves, load shoulders, and locking mechanism, if applicable. This information will provide BSEE with data to reference during the approval process and will enable industry and BSEE to confirm that the wellhead system is adequate for the intended use.

The requirement to include additional information in the drilling prognosis will result in increased annual labor costs to industry. BSEE considers the additional information required for the drilling prognosis (submitted as part of the APD) to be readily available. We calculated the annual labor cost for this activity by multiplying the time required to gather and document the information by the average hourly compensation rate of the staff most likely to complete this task. We then multiplied the product of this calculation by the estimated number of wells drilled per year, resulting in an estimated annual labor cost to industry for this documentation requirement of about $7,200.[37] No additional costs to BSEE are expected as a result of this requirement. The requirement to include additional information in the drilling prognosis (submitted as part of the APD) results in an annual labor cost of about $70 per entity.[38]

(c) Prohibition of a Liner as Conductor Casing

Former § 250.421(f) is being revised to no longer allow a liner to be installed as conductor casing. This will ensure that the drive pipe is not exposed to wellbore pressures during drilling in subsequent hole sections.

This provision will result in an annual equipment and labor cost to industry for wells that are currently allowed to use a liner as conductor casing. We multiplied the average cost of the casing joints and wellhead per well by the number of affected wells in order to calculate annual equipment installation costs. To calculate the associated annual labor costs, we multiplied the time required to install the equipment per well by the daily labor cost of rig crew time and by the number of wells on which the equipment must be installed. We then summed the equipment and labor costs to estimate the average annual equipment and labor cost to industry for this requirement of $795,000. No additional costs to BSEE are expected as a result of this requirement. This provision will result in an annual equipment and labor cost of about $8,000 per entity.[39]

(d) Additional Capping Stack Testing Requirements

Section 250.462 addresses source control and containment requirements. New paragraph (e)(1) details requirements for testing of capping stacks. New requirements include the function testing of all critical components on a quarterly basis and the pressure testing of pressure containing critical components on a bi-annual basis. Under the former regulations, there is no testing requirement for capping stacks. These new requirements help ensure that operators are able to contain a subsea blowout.

These new testing requirements will result in new equipment and service costs to industry. We estimated the cost of testing for each capping stack, revised based on industry comments on the proposed rule and initial RIA, and multiplied this cost by the total number of anticipated tests to be performed. These calculations resulted in annual compliance costs to industry associated with these requirements of about $226,000, or $2,300 per entity.[40] No additional costs to BSEE are expected as a result of these requirements.

(e) Additional Information in the APM for Installed Packers

In § 250.518, paragraphs (e) and (f) clarify requirements for installed packers and bridge plugs and require additional information in the APM, including descriptions and calculations for determining production packer setting depth. These new provisions codify existing BSEE policy to ensure consistent permitting. BSEE expects that operators already comply with the design specifications included in this section, because they are based on an established industry standard; *i.e.,* API Spec. 11D1. Thus, the depth setting calculation is the only requirement that imposes a new cost beyond the baseline. The required calculations will be submitted for every well that is completed where tubing is installed.

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[36] We estimated that industry staff (a mid-level engineer) will spend one hour per well (at a compensation rate of $89.42 per hour) to include the additional information in the well drilling design criteria. Industry already complies with this new requirement as part of its design practice for most wells drilled. We assumed that this requirement will result in a new cost for all wells drilled per year (320). This resulted in an average annual labor cost to industry of $28,614, or an annual labor cost per entity of $289 (assuming 99 entities).

[37] We assumed that industry staff (a mid-level engineer) will spend 0.25 hours to include the additional information in the drilling prognosis for a well. We multiplied the number of industry staff hours per well by the average hourly compensation rate for a mid-level industry engineer ($89.42) and the average number of wells drilled per year (320) to obtain the average annual labor cost to industry of $7,153.

[38] We estimated that industry staff (a mid-level engineer) will spend 0.25 hours to include the additional information in the drilling prognosis for a well, resulting in an annual cost to industry of $7,153, or $72 per entity.

[39] Based on input provided in submittals to BSEE, we estimated that three wells per year (approximately one percent of drilled wells currently) have a liner as conductor casing. We estimated an average cost of the casing joints and wellhead per well at $65,000. This resulted in an average equipment cost of $195,000. We estimated that industry staff (rig crew) will spend one extra day to install the new equipment on a well, and the average labor cost for a rig crew per day is $200,000. This resulted in an estimated average annual labor cost to industry of $600,000. The annual equipment and labor costs total $795,000 for the industry, or $8,030 per entity.

[40] BSEE estimated that the equipment and service costs of testing for capping stacks will be $14,138 per test, based on industry input. Additionally, we estimated that 4 capping stacks will be tested quarterly (or a total of 16 annual tests performed). This rendered a total annual equipment and service cost to industry of $226,200, or $2,285 per entity.

The requirement to include additional information in the APM will result in a labor cost to industry and BSEE. We based the industry labor cost associated with this new requirement on the time required to add the new descriptions and calculations to an APM and on the number of wells with installed packers for which an APM will be submitted per year. We based the new annual labor cost to BSEE on the time that BSEE will spend reviewing the new information in an APM and on the average hourly compensation rate of the BSEE staff most likely to complete this task. We estimated an average annual labor cost of about $5,800 to industry (or about $60 per entity) and an average annual labor cost of about $4,400 to BSEE.[41]

(f) Additional Information in the APM for Pulled and Reinstalled Packers

In § 250.619, new paragraphs (e) and (f) clarify requirements for pulled and reinstalled packers and bridge plugs and require additional descriptions and calculations in the APM regarding production packer setting depth. These new requirements codify existing BSEE policy to ensure consistent permitting. BSEE expects that operators already comply with the design specifications included in this section, which incorporate an established industry standard (*i.e.,* API Spec 11D1). The depth setting description and calculation is the only requirement that will impose a new cost beyond the baseline. The required calculations will be submitted for every well that is worked over where tubing is pulled and then reinstalled. The requirement to include additional information in the APM will result in a labor cost of about $23,000 to industry (or about $200 per entity) and about $17,000 to BSEE.[42]

(g) Rig Movement Reporting

Section 250.712 lists requirements for reporting movement of rig units to the BSEE District Manager. Revised paragraph (a) extends the rig movement reporting requirements to all rig units conducting operations covered under this subpart, including MODUs, platform rigs, snubbing units, and coiled tubing units. Paragraphs (c) and (e) are new and require notification if a MODU or platform rig is to be warm or cold stacked and when a drilling rig enters OCS waters. Paragraph (f) is revised to clarify that, if the anticipated date for initially moving on or off location changes by more than 24 hours, an updated Movement Notification Report will be required. Currently, movement reports are only required for drilling operations, but the rule requires operators to submit movement reports for other operations as well, including when rigs are stacked or enter OCS waters. These changes will allow BSEE to better anticipate upcoming operations, locate MODUs and platform rigs in case of emergency, and verify rig fitness. The requirement to notify BSEE of rig unit movement will result in annual labor costs to industry of about $4,000 (or about $40 per entity) and to BSEE of about $3,100.[43]

(h) Fitness Requirements for MODUs

Section 250.713(a) adds a requirement that operators provide fitness information for a MODU for well operations. Operators must provide information and data to demonstrate the drilling unit's capability to perform at the new drilling location. This information must include the maximum environmental and operational conditions that the unit is designed to withstand, including the minimum air gap (if relevant) that is necessary for both hurricane and non-hurricane seasons. If sufficient environmental information and data are not available at the time the APD or APM is submitted, the District Manager may approve the APD or APM but require operators to collect and report this information during operations. Under this circumstance, the District Manager may revoke the approval of the APD or APM if information collected during operations shows that the drilling unit is not capable of performing at the new location. These costs, in combination with the foundation requirements for MODUs, are discussed at the end of the next section.

(i) Foundation Requirements for MODUs

Section 250.713(b) introduces foundation requirements for MODUs performing well operations. Operators must provide information to show that site-specific soil and oceanographic conditions are capable of supporting the rig unit.[44] If operators provide sufficient site-specific information in the Exploration Plan (EP), Development and Production Plan (DPP), or Development Operations Coordination Document (DOCD) submitted to BOEM, operators may reference that information. The regulations state that the District Manager may require operators to conduct additional surveys and soil borings before approving the APD, if additional information is needed to make a determination that the conditions are capable of supporting the rig unit or equipment installed on a subsea wellhead. For moored rigs, operators must submit a plan of the rig's anchor patterns approved in the EP, DPP, or DOCD in the APD or APM.

This requirement will result in labor costs to industry and BSEE. To calculate the industry labor cost, we multiplied the time required to record and report the information by the average hourly compensation rate of the industry staff most likely to complete this task and by the number of APMs per year. To calculate the BSEE labor cost, we multiplied the time that BSEE will spend to review the information by the average hourly compensation rate of the BSEE staff most likely to complete this task and by the number of APMs per year. The new requirements under § 250.713 to notify BSEE of rig unit movement and foundation requirement for MODUs will result in labor costs to industry and BSEE, based on the labor required per report and the number of reports per year. We estimated these annual labor costs to be about $208,000 to industry (about $2,100 per entity) and about $158,000 to BSEE.[45]

(j) RTM for Well Operations

Section 250.724 is a new section that establishes requirements for:

(1) RTM of well operations on rigs that have a subsea BOP, floating facilities using surface BOPs, and rigs

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[41] We estimated that industry staff (a mid-level engineer) will spend 0.25 hours to include the additional information in the APM for a well, at a compensation rate of $89.42 per hour. We estimated that APMs will be submitted for an average of 260 wells with installed packers per year. We estimated that BSEE staff (a mid-level engineer) will spend 0.25 hours to review the additional information in the APM for a well, at a compensation rate of $67.85.

[42] We estimated that industry staff (a mid-level engineer) will spend 0.25 hours (at $89.42 per hour) to include the additional information in the APM for a well, and that APMs will be submitted for an average of 1,010 wells with pulled and reinstalled packers per year. We estimated that BSEE staff (a mid-level engineer) will spend 0.25 hours (at $67.85 per hour) to review the additional information in the APM for a well.

[43] This is based on the assumption of an average of 60 reports per year, of which 50 require about 0.5 hours to prepare by industry (by a mid-level engineer at a compensation rate of $89.42 per hour), and 10 others requiring about 2 hours to complete. It was estimated that BSEE requires as much time to process and review the reports, by a mid-level BSEE engineer, at a compensation rate of $67.85 per hour.

[44] Soil sampling data is included in the exploration plan and DWOP submissions, and verified in the APD process, under existing regulations.

[45] These estimates were based on the assumption that industry staff (a mid-level engineer) will spend 5 hours on average per report, at a compensation rate of $89.42 per hour, and an average of 466 reports will be provided per year. We estimated that BSEE staff (a mid-level engineer) will spend 5 hours on average to review and process the information, at an average compensation rate of $67.85 per hour.

operating in high pressure and high temperature reservoirs,

(2) Storing RTM data onshore, and

(3) An RTM plan addressing RTM capabilities and procedures.

In order to comply with this section, industry will incur annual equipment and labor costs associated with gathering, recording, transmitting, and storing data (as well as minimal one-time labor costs to develop RTM plan).[46] To calculate the costs associated with these new requirements, we estimated the average equipment and labor cost per day to perform continuous monitoring (based on BSEE's interactions with the industry and review of the equipment involved), and the average amount of time that a rig will engage in well operations per year (and will thus be subject to this monitoring requirement). We assumed that this type of service mostly lends itself to a day rate, and multiplied the cost per day to perform the monitoring by the number of days per year that the rig will be engaged in well operations. We then multiplied the product by the number of rigs that will incur this new cost. This calculation resulted in average annual equipment and labor costs for this monitoring requirement of $40.5 million to industry (or about $409,000 per entity).[47] Since BSEE will not normally receive or review RTM plans, no significant additional costs to BSEE are expected as a result of these requirements.

(k) Additional Documentation and Verification Requirements for BOP Systems and System Components

Section 250.730 lists general requirements for BOP systems and system components and adds new documentation and verification requirements.[48] We estimated an annual labor cost to industry of about $1,800 associated with these submissions and labor costs to BSEE of about $700.[49] We were unable to estimate the cost for a certification entity to meet the requirements of ISO 17011 for quality management systems for BOP stacks.

Section 250.731(c) requires verification by a BAVO of specified aspects of equipment design, equipment tests, shear tests, and pressure integrity tests; all certification documentation must be made available to BSEE. The requirements laid out in § 250.731(c) regarding certification for BOP systems and system components will result in new equipment and service costs to industry. We estimated a one-time cost to industry for equipment and service and multiplied the cost by the number of wells that will incur this new cost. This calculation resulted in one-time equipment and service costs for this certification requirement of $12.8 million to industry.[50]

Section 250.732(c) requires a comprehensive review by a BAVO of BOP and related equipment for use in high temperature and high pressure conditions. The requirements in new § 250.732(c) surrounding a review of BOP systems and system components in HPHT conditions will result in new annual costs to industry. To calculate the costs associated with the required verifications of BOP systems and components by BSEE-approved verification organizations, we estimated the annual cost for performing the verification and multiplied the annual cost by the number of wells that will incur this new cost. This calculation resulted in annual equipment and labor costs for this verification requirement of $500,000 to industry.[51]

In total, all of the annual equipment and labor costs associated with these new documentation and certification requirements are estimated to be $18,005 per entity.

(l) Additional Information in the APD, APM, or Other Submittals for BOP Systems and System Components

Section 250.731 lists the descriptions of BOP systems and system components that must be included in the applicable APD, APM, or other submittal for a well. Revised paragraph (a) requires the submittal to include descriptions of the rated capacities for the fluid-gas separator system, control fluid volumes, control system pressure to achieve a seal of each ram BOP, number of accumulator bottles and bottle banks, and control fluid volume calculations for the accumulator system.

New paragraph (e) requires a listing of the functions with sequences and timing of autoshear, deadman, and EDS for subsea BOPs. Paragraph (b) adds schematic drawing requirements, including labeling for the control system alarms and set points, control stations, and riser cross section. For subsea BOPs, surface BOPs on floating facilities, and BOPs operating under HPHT conditions, new paragraph (f) requires submission of a certification that an MIA Report has been submitted within the past 12 months. New paragraphs (c) and (d) include a change in required certifications; the paragraphs require submission of certification from a BAVO (rather than a "qualified third-party")[52] that:

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[46] As explained later in part VIII, under Paperwork Reduction Act (PRA) of 1995, we assumed that it will take an estimated 5 burden hours to develop each RTM plan. Based on the assumption that industry staff (a mid-level engineer) will develop these plans, at a compensation rate of $89.42 per hour, the one-time cost of this requirement would be about $447 per plan. Over the 10-year economic analysis period, the average annual cost would be about $44.7 per plan. (We believe that the total costs for small entities could be even smaller since, based on the comments submitted by industry, some operators already have RTM plans that may merely need some adjustment to satisfy the final rule requirements; nonetheless, we have assumed here that all affected small entities would need to develop such plans.) These estimated costs are so small that they are effectively subsumed by the overall costs of complying with the RTM requirements generally.

[47] We estimated that the average costs per day and the average operational days per year will be the same for rigs with subsea BOPs, surface BOPs on floating facilities, and rigs operating in HPHT reservoirs. We estimated that a rig operates for 270 days per year (three operations per year and three months per operation) and that the average cost per day to perform continuous monitoring will be $5,000, including equipment and labor. This estimate is based on the experience of the BSEE regulatory staff, working in conjunction with BSEE engineers who interact with industry on a regular basis and review the equipment. We also estimated that half of the rigs with subsea BOPs already conduct this monitoring. Thus, only half of rigs with subsea BOPs (20 rigs) will incur a new cost to comply with these requirements. Similarly, we estimated that a total of 10 rigs (*i.e.*, 5 floating facilities with a surface BOP and 5 rigs in HPHT reservoirs) will incur a new cost to comply with these requirements. We multiplied the time that the rig is operational per year (270) by the average cost per day ($5,000) to perform monitoring and by the number of affected rigs (30) to obtain an average annual equipment and labor cost to industry of $40,500,000.

[48] Section 250.730(d) requires that quality management systems for the manufacture of BOP stacks be certified by an entity that meets the requirements of International Organization for Standardization (ISO) 17011. Additionally, operators may submit a request for approval of equipment manufactured under quality assurance programs other than API Specification Q1, and BSEE may approve such a request provided the operator submits relevant information about the alternative program. Additionally, new paragraph (d) will result in labor costs to industry associated with submitting requests for alternative programs.

[49] We estimated that a mid-level industry engineer will spend 2 hours to submit a request, at a compensation rate of $89.42 per hour, for each of ten wells during the year. We estimated that a mid-level BSEE engineer will spend 1 hour to process a request, at a compensation rate of $67.85 per hour.

[50] We based this estimate on the assumption that the service costs per well will be $40,000, and 320 wells will incur a new cost to comply with these requirements.

[51] We estimated that the annual costs per well will be $50,000. We estimated that 10 HPHT wells will incur a new cost to comply with these requirements. We multiplied the annual cost of equipment and service by the number of affected wells to obtain an average annual equipment and service cost to industry of $500,000.

[52] BSEE expects that BAVOs will come from qualified third parties used by operators under BSEE's former regulations and industry standards. In addition, the certifications required under new § 250.731(c) and (d) are similar to the verifications required by former § 250.416(e) and (f). Thus, there should not be any incremental costs from these new certification requirements.

(1) Test data demonstrate that the shear ram(s) will shear the drill pipe at the water depth, and

(2) The BOP has been designed, tested, and maintained to perform under the maximum environmental and operational conditions anticipated to occur at the well, and

(3) That the accumulator systems have sufficient fluid to function the BOP system without assistance from the charging system.

The requirements to provide additional documentation about the BOP system and system components in the APD, APM, or other submittal will result in labor costs to industry and BSEE. To calculate the industry labor cost associated with these new requirements, we multiplied the estimated time it will take to document the required information in an APD, APM, or other submittal by the average hourly compensation rate of the industry staff most likely to complete this task. We then multiplied the product by the estimated number of wells drilled per year.

Likewise, to calculate the new annual labor cost to BSEE, we multiplied the time that BSEE will spend to process each submittal by the average hourly compensation rate of the BSEE staff most likely to complete this task and by the estimated number of wells drilled per year. These calculations resulted in average annual labor costs for this documentation requirement of about $29,000 (about $300 per entity) to industry and about $22,000 to BSEE.

(m) Submission of an MIA Report by a BAVO

Sections 250.732(d) and (e) include new requirements on the submission of an MIA Report on the BOP stack and systems. New paragraph (d) outlines the requirements for this report, which must be completed by a BAVO and submitted by the operator for operations that require the use of a subsea BOP, a surface BOP on a floating facility, or a BOP that is being used in HPHT operations. We calculate this annual cost by multiplying the time required to complete the task by the number of submittals per year and by the hourly compensation rate of the industry staff most likely to complete the task. These calculations result in an annual labor cost to industry of about $80,000.

Section 250.731(f) requires a certification stating that this report was submitted to BSEE prior to beginning any operations (to include maintenance and repairs) involving these BOPs. The BAVO report will enhance BSEE's review and permitting process and ensure that BSEE is aware of repairs or other changes to the operating BOPs.

These reporting requirements will result in new capital costs to industry and new labor costs to industry associated with the submission and review of reports. To calculate the capital costs to industry of submitting MIA reports, we multiplied the annual capital cost of submitting the report by the estimated number of wells that will be affected. This calculation resulted in annual capital costs for reporting of $4.8 million to industry. To calculate the industry labor cost, we multiplied the time required to submit a report by the average hourly compensation rate of the industry staff most likely to complete this task and then multiplied this cost by the number of additional reports expected per year. These calculations result in average annual labor costs of about $45,000 to industry and about $11,000 to BSEE. Overall, all of the requirements under this section result in an annual cost per entity of about $50,000.[53]

(n) New Surface BOP Requirements

Section 250.735 includes new requirements for surface BOP stacks. Specifically, new § 250.735(g)(2)(i) requires that remotely-operated locking devices be installed on blind shear rams on surface BOPs. BSEE recognizes that the equipment and labor costs associated with this new requirement will be case-specific (since every BOP stack is unique). In any case, BSEE estimates that this new requirement will create a new one-time equipment cost to industry for the installation of remotely-operated locks. Operators may choose, although they are not required, to use hydraulically operated locks to comply with this requirement. Because we cannot predict how many operators will use hydraulic locks, rather than alternative (and typically less costly) locking devices, we have continued to estimate the cost of this provision based on the cost for installing hydraulic locks, even though that may result in an overestimation of actual costs. We estimate this cost by multiplying the cost per equipment part by the number of rigs with surface BOPs. This results in a one-time cost to industry of $2.50 million, or about $2,500 per entity per year (over a 10-year period).[54]

(o) New Subsea BOP System Requirements

Section 250.734 includes new requirements for subsea BOP systems, based on recommendations from the Deepwater Horizon incident investigations. Revised paragraph (a) requires that BOPs be equipped with dual shear rams and outlines the requirements for the shear rams.

BSEE recognizes that the equipment costs associated with these new subsea BOP system requirements will be case-specific. For example, the costs will depend on the age of the rig and BOP system, the BOP system type, and the size of the rig, among other factors. In order to estimate the cost to industry associated with these new shear ram requirements, we multiplied the estimated cost of compliance per rig by the estimated number of affected rigs. Since API Standard 53 covers the requirements under paragraph (a) for all rigs with the exception of moored rigs, the costs of these requirements, except the costs associated with moored rigs, are included in the baseline. We multiplied the cost of compliance for a moored rig by the number of moored rigs in order to calculate the one-time equipment costs of $50 million for this requirement.[55] This results in an average annual cost of $5 million per year over ten years, or an annual cost of about $51,000 per entity.

(p) New Accumulator System Requirements

Section 250.735(a) lists new requirements for the accumulator system of a BOP. The accumulator system must operate all BOP functions against MASP with at least 200 pounds per square inch remaining on the bottles above the pre-charge pressure without use of the charging system. Revised paragraph (a) details additional accumulator requirements regarding fluid capacity and accumulator regulators. This revision will ensure that the BOP system is capable of operating all critical functions.

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[53] We estimated an annual capital cost of $15,000 for each of 320 wells, which resulted in an annual capital cost of $4.8 million. For labor costs, we estimated that industry staff (a mid-level engineer) will spend a half hour to prepare a report for each of 320 wells, at a compensation rate of $89.42. We also estimated that the same staff would spend 5 hours for each of 50 reports per year, and 10 hours for each of 90 reports per year.

[54] Based on industry comments, BSEE has revised the cost estimate for this provision. The cost of installing a hydraulically operated lock is estimated at $50,000. Although the revised final rule only imposes such new costs on surface BOPs with blind shear rams, we chose to multiply this cost by the estimated total number (50) of rigs with surface BOPs with any kind of sealing ram to obtain the one-time cost estimate to industry of $2.5 million.

[55] Although the actual costs for obtaining and installing any new equipment required by this section will vary, as stated above, based on existing technology for centering/shearing and BSEE's discussion with a relevant equipment manufacturer, BSEE believes that the height of the subsea BOP stacks will not need to change significantly. We also estimated that 5 moored rigs will be affected and that the one-time capital compliance costs, including installation costs, associated with these shear ram requirements will be $10,000,000 per rig. To calculate the total one-time capital costs to industry, we multiplied the equipment cost per rig by the number of affected rigs to yield a total cost to industry of $50,000,000.

The requirement that the accumulator system operate all functions for all BOP systems will result in a total one-time cost to industry of about $2.4 million, or about $2,500 per entity per year over 10 years.[56] Since this work can be planned for and done during routine maintenance or downtime scheduled for other reasons, no incremental rig downtime or daily rig costs are expected.

(q) Chart Recorders

Section 250.737(c), which addresses BOP testing requirements, will introduce a requirement that each test must hold the required pressure for five minutes while using a four-hour chart. This chart will contain sufficient detail to show if a leak occurred during the test.

This testing requirement will result in a one-time equipment and labor cost to industry for those operators that do not already have the required equipment. Some operators will have to purchase the equipment (a chart recorder or digital recorder) to be able to comply with the testing requirement. To calculate the equipment cost, we multiplied the estimated cost of equipment per rig by the estimated total number of rigs that may need it. To calculate the one-time labor cost to industry, we multiplied the time required per rig to install the chart recorder by the average hourly compensation rate of the industry staff most likely to complete this task and by the total number of rigs. This calculation resulted in a one-time cost to industry of about $90,000, or about $90 per entity per year over 10 years.[57]

(r) Notification and Procedure Requirements for Testing of Surface BOP Systems

Section 250.737(d)(2) expands notification and procedural requirements regarding the use of water to test a surface BOP system on the initial test. These expanded notification and procedural requirements will result in increased annual costs to industry of about $5,400 (about $50 per entity) and to BSEE of about $4,100.[58]

(s) Alternating BOP Control Station Function Testing

Section 250.737(d)(5) expands the requirements for function testing BOP control stations. It requires that the operator designate the BOP control stations as primary and secondary and alternate function testing of each station weekly. This testing requirement will result in increased operating costs to industry. To calculate the annual operations costs associated with this requirement, we multiplied the time required to conduct the testing per rig by the daily rig operating cost and by the estimated number of rigs affected per year. Because subsea and surface BOPs have different daily rig operating costs, we performed separate calculations for the costs for subsea and surface BOP rigs. We estimated an increased annual operating cost to industry associated with this provision of $25 million, or an annual operations cost of about $250,000 per entity.[59]

(t) ROV Intervention Function Testing

Section 250.737(d)(4) establishes requirements for testing ROV intervention functions to include testing and verifying the closure of the selected ram(s) on a subsea BOP. This testing requirement will result in an annual operations cost to industry of about $417,000, or about $4,200 per entity.[60]

(u) Autoshear, Deadman, and EDS System Function Testing on Subsea BOPs

Section 250.737(d)(12) expands the requirements for function testing of autoshear, deadman, and EDSs on subsea BOPs. It requires the test procedures submitted for the BSEE District Manager's approval to include schematics of the actual controls and circuitry of the system, the approved schematics of the BOP control system, and a description of how the ROV is used during the operation. It also outlines the requirements for the deadman system test, including a requirement that the testing must indicate the discharge pressure of the subsea accumulator system throughout the test. It requires that the blind shear rams be tested to verify closure. The operator must document the plan to verify closure of the casing shear ram(s), if installed, as well as all test results.

These documentation and testing requirements will result in a one-time equipment cost and increased annual operating costs to industry. The industry will incur a one-time equipment cost to purchase a sensing device to detect the discharge pressure during deadman system testing. We multiplied the average cost per rig of the sensing device by the estimated number of subsea BOP rigs required to comply. We assumed installation costs to be negligible because the sensing device will be installed as part of routine servicing. In order to calculate the annual operations cost, we multiplied the estimated time per subsea BOP rig required to comply with the documentation and testing requirements by the daily operating cost for a subsea BOP rig and by the estimated number of subsea BOP rigs affected per year. These calculations resulted in a one-time equipment cost to industry of $100,000 and an average annual increased operating cost to industry of $5 million, or an annual cost of about $51,000 per entity.[61]

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[56] BSEE estimated that the cost of the additional equipment needed to meet the requirements will be $25,000 per rig. It is unknown how many rigs already comply; thus, we made a conservative assumption that all rigs will be affected (90 rigs). We obtained an estimated one-time equipment cost of $2.25 million. For the one-time labor cost to industry, we estimated that three days of industry time will be required per rig to install the new equipment. We estimated that industry staff (a mid-level engineer) will spend 24 hours to install the new equipment on a rig, at a compensation rate of $89.42 per hour. This rendered an estimated one-time labor cost to industry of $193,143. Summing the equipment and labor costs resulted in a total one-time cost to industry of $2,443,143. We divided the one-time equipment and labor cost by the number of entities (99) to obtain a one-time equipment and labor cost per entity of $24,6787.

[57] We estimated that a chart recorder would have an average cost of $2,000 per rig, for each of 45 rigs (half of the 90 rigs in total, with the other half estimated to already have the equipment). This yielded an estimated one-time equipment cost to industry of $90,000. We estimated that industry staff (rig crew) will spend five minutes (0.08 hours) per rig to install the equipment at an average hourly compensation rate of $57.20. This resulted in a total one-time cost to industry of $90,215.

[58] This $54 labor cost per entity reflects our assumptions that a mid-level industry engineer will spend 1 additional hour on a submittal as a result of these expanded requirements and that industry will submit 60 notifications per year.

[59] We estimated that testing would require 0.5 days per rig per year. Because subsea and surface BOP rigs have different daily rig operating costs, we performed separate calculations for the costs for subsea and surface BOP rigs. For subsea BOP rigs, we multiplied the time required to conduct the testing per rig by the daily rig operating cost for subsea BOP rigs ($1 million) and by the number of subsea BOP rigs (40) for an annual cost of $20 million for subsea BOP rigs. For surface BOP rigs, we estimated a daily rig operating cost of $200,000 and the number of surface BOP rigs to be 50, for an annual cost of $5 million for surface BOP rigs. Summing the annual costs for subsea BOP rigs and surface BOP rigs resulted in a total annual increased operating cost to industry associated with this provision of $25 million.

[60] We estimated that it will take five minutes per well to conduct the testing and that 120 wells will be affected (40 subsea BOP rigs with three wells per rig). We considered the time diverted for testing as a fraction of a day (0.003472), and the daily operating cost per rig ($1,000,000) to obtain an average annual operations cost to industry of $416,667, or $4,209 per entity.

[61] BSEE estimated that the cost of the sensing device will be $2,500 per rig. We multiplied the equipment cost by the total number of subsea BOP rigs (40) to obtain the one-time equipment cost to

(v) Approval for Well-Control Equipment not Covered in Subpart G

Section 250.738 describes the required actions for specified situations involving BOP equipment or systems. Paragraphs (b), (i), and (o) include requirements for reports from BAVOs. Reports previously required to be prepared by a "qualified third-party" under these sections will be required to be prepared by a BAVO. Paragraph (m) includes a similar change and introduces a requirement that an operator request approval from the BSEE District Manager if the operator plans to use well-control equipment not covered in Subpart G. The operator must submit a report from a BAVO, as well as any other information required by the District Manager. This new approval request requirement will result in annual labor costs to industry and BSEE of about $13,000 and about $10,000, respectively, and annual costs per entity of about $100.[62]

(w) Breakdown and Inspection of the BOP System and Components

Section 250.739(b) introduces a requirement for a complete breakdown and inspection of the BOP and every associated component every 5 years, which may be performed in phased intervals. During this complete breakdown and inspection, a BAVO must document the inspection and any problems encountered. This BAVO report must be available to BSEE upon request. This additional requirement is necessary to ensure that the components on the BOP stack will be regularly inspected. In the past, BSEE has, in some cases, seen components of BOP stacks go more than 10 years without this type of inspection.

This inspection and documentation requirement will result in cost to industry associated with generating reports by BAVOs. To calculate this report cost, we multiplied the estimated report cost per rig by the number of reports completed per rig annually and by the estimated number of rigs in operation per year. Because subsea and surface BOPs differ in structure, they incur different costs to break down and inspect. In order to reflect these differences, we performed separate calculations of the costs for subsea and surface BOP rigs. Assuming staggered inspections, we estimated that, in each year, an average of eight subsea BOP rigs would undergo inspections, thereby enabling all 40 subsea BOP rigs to undergo such inspections over a five-year period. Similarly, we estimated that 10, of a total of 50, surface BOP rigs would undergo inspections each year. This resulted in annual costs to industry of $4.3 million, or about $43,000 per entity.[63]

The proposed rule contained a requirement that operators breakdown the entire BOP system every five years for recertification, without the option to phase or stagger recertification. BSEE received comments that this requirement would cause rigs to be out of service for extended periods of time, at substantial opportunity costs to industry. BSEE revised the requirement in the final rule to allow for staggered inspections over the course of five years. This change eliminates the need for rigs to be brought out of service for extended periods of time.

(x) Additional Recordkeeping for RTM

Sections 250.740(a) and 250.741(b) introduce requirements for additional recordkeeping of RTM data for well operations. These additional requirements will create an annual labor cost of about $1,500 to industry, or about $15 per entity.[64]

(y) Industry Familiarization With New Regulations

When the new regulation takes effect, operators will need to read and interpret the rule. Through this review, operators will familiarize themselves with the structure of the new rule and identify any new provisions relevant to their operations. Operators will evaluate whether any new action must be taken to achieve compliance with the rule. Reviewing the new regulations will require staff time, representing a one-time labor cost of about $20,000 or annual cost of $20 per entity.[65]

(z) BAVO Application Costs

Qualified third-parties currently perform verifications under BSEE's existing regulations and current industry practice that are similar to the certifications and verifications that a BAVO will be required to perform under § 250.732(a) of the final rule. BSEE expects that many of these existing third-party organizations will become BAVOs. To become a BAVO, organizations will need to apply to BSEE and have their applications approved by BSEE. Those that are approved as BAVOs will then be placed on a list for operators to use in finding a BAVO that will enable the operators to obtain the required certifications and verifications.

We estimated the number of BAVO applications to be 15 in the first year (2016), three in the second year (2017), and two per year for each of the remaining eight years (2018 to 2025). We further estimated that organizations would require, on average, about 100 hours of a mid-level engineer's time to complete and submit each application. We also estimated that BSEE would require, on average, about 40 hours of a mid-level engineer's time to review and process each application, except during the first year in which BSEE would require 80 hours per application (since BSEE will need additional time in the first year to develop and begin implementing the approval process). These estimates result in average annual costs to industry of about $30,000 per year (about $300 per entity) and to BSEE of about $13,000 per year, for a total average annual cost of $44,000.[66]

Total Cost Burden for Small Entities

To estimate the cost burden for small entities, BSEE scaled the per-entity costs

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industry of $100,000. We estimated that it will take one hour per well to perform the testing and documentation tasks required by this provision, and that each subsea BOP rig will be affected (40 subsea rigs). We multiplied the time diverted for testing in a day 0.125 by the daily operating cost per rig ($1,000,000) and by the estimated number of rigs affected per year to obtain an average annual operations cost to industry of $5 million.

[62] These estimates are based on the assumption that industry staff (a mid-level engineer) will spend an average of 0.81 hours per report, at a compensation rate of $89.42 per hour, for approximately 183 reports for year. It was estimated that that BSEE staff (a mid-level engineer) will spend the same amount of time to review and process the report, at a compensation rate of $67.85 per hour.

[63] For subsea BOP rigs we estimated that equipment and labor cost will be $350,000 per rig, for each of 8 subsea BOP rigs each year, resulting in an annual cost of $2.8 million. For surface BOP rigs we estimated that equipment and labor cost will be $150,000 per rig, for each of 10 rigs per year, resulting in an annual cost of $1.5 million.

[64] This $15 labor cost per entity reflects our assumption that an administrative staff will spend 0.5 hours to submit a report for each of 120 wells (three wells per subsea BOP rig).

[65] We assumed that industry staff (a professional engineer, supervisory) will spend two hours to review the new regulation, at an hourly wage rate of $53.00, based on BSEE's Supporting Statement A (BSEE Production Safety Systems). We multiplied this wage rate by the private sector loaded wage factor of 1.43 to account for employee benefits, resulting in a loaded average hourly compensation rate of $75.79. We assumed that an industry staff will review the new regulation at each of the 130 field offices. We multiplied the number of hours per review by the average hourly compensation rate and by the number of field offices, resulting in an estimated one-time labor cost to industry of $19,705. We divided annual labor cost of $1,971 by the number of entities (99) to obtain an average annual one-time labor cost of $20.

[66] The total is slightly different due to roundiing, using a compensation rate of $89.42 per hour for industry results in an average annual cost to industry of $30,403; and using a compensation rate of $67.85 for BSEE results in an average annual cost to BSEE of $13,299.

to match the labor and equipment costs that would be faced by a small entity with few wells as opposed to large entities with several wells. Of the 99 entities operating on the OCS, 50 (or 50.51 percent) of them are small entities. In terms of revenue of offshore oil and gas sales, these small entities account for 18.50 percent of the total revenue of all 99 entities. This implies that the average small firm tends to have operations that are about 36.6 percent as large as the operations of an average operator, *e.g.*, having that many fewer wells, rigs, and employees, on average. Therefore, it was estimated that the costs per entity for a small entity would be 36.6 percent the cost per entity for all entities. As a result, the total estimated annual cost of the rule per small entity is about $328,000, in comparison to the average annual cost per entity (for all entities) of about $897,000. BSEE's calculations thus indicate that the total cost burden of this rule will be $3.3 million per affected small entity over 10 years, as presented in Exhibit 1.

Exhibit 2 displays estimates of costs to small entities as a percentage of revenues.[67] In all but the first year of the 10 years in the analysis period, the rule represents a cost of approximately $304,000 per affected small entity. In the first year, costs will be higher at about $556,000 per affected small entity as a result of certain one-time equipment costs, especially the costs of new subsea BOP system requirements.

The costs of the rule as a proportion of small entity revenue range from 0.29 percent in most years to 0.52 percent in the first year. BSEE considers a rule to have a "significant economic impact" when the total annual cost associated with the rule for a small entity is equal to or exceeds 1 percent of annual revenue. Thus, the rule is not expected to have a significant economic impact on the participating small operators, lease holders, and pipeline right-of-way holders. Therefore, BSEE has concluded that this rule will not have a significant economic impact on a substantial number of small entities.

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[67] We used ReferenceUSA, a directory of business information for more than 14 million, businesses in all zip codes of the United States, for data on estimated annual revenue and number of employees. WE retrieved the ReferenceUSA data in February 2015. Based on these data, the average annual revenue of the small operators is $105,963,674.

EXHIBIT 1: COSTS OF THE RULE PER SMALL ENTITY[1]

Type of Cost	Total 10 Year Cost per Small Entity (undiscounted)	Average Annual Cost per Small Entity (undiscounted)	Percent of Total Cost
(a) Additional information in the description of well drilling design criteria	$1,059	$106	0.03%
(b) Additional information in the drilling prognosis	$265	$26	0.01%
(c) Prohibition of a liner as conductor casing	$29,410	$2,941	0.90%
(d) Additional capping stack testing requirements	$8,368	$837	0.25%
(e) Additional information in the APM for installed packers	$215	$22	0.01%
(f) Additional information in the APM for pulled and reinstalled packers	$835	$84	0.03%
(g) Rig movement reporting	$149	$15	0.00%
(h) and (i) Information on MODUs	$8,018.86	$802	0.24%
(j) RTM of well operations	$1,498,223	$149,822	45.61%
(k) Additional documentation and certification requirements for BOP systems and system components	$65,914	$6,591	2.01%
(l) Additional information in the APD, APM, or other submittal for BOP systems and system components	$1,059	$106	0.03%
(m) Submission of an MIA Report by a BSEE-approved verification organization	$181,156	$18,116	5.51%
(n) New surface BOP requirements	$9,248	$925	0.28%
(o) New subsea BOP system requirements[2]	$184,966	$18,497	5.63%
(p) New accumulator system requirements	$9,038	$904	0.28%
(q) Chart recorders	$334	$33	0.01%
(r) Use water to test surface BOP system on the initial test	$198	$20	0.01%
(s)Alternating BOP control station function testing	$924,829	$92,483	28.15%
(t) ROV intervention function testing	$15,414	$1,541	0.47%
(u) Autoshear, deadman, and EDS system function testing on subsea BOPs	$185,336	$18,534	5.64%
(v) Approval for well-control equipment not covered in Subpart G	$490	$49	0.01%
(w) Breakdown and inspection of BOP system and components	$159,071	$15,907	4.84%
(x) Record-keeping for RTM	$54	$5	0.00%
(y) Industry familiarization with the new rule	$73	$7	0.00%

(z) BAVO applications	$1,125	$112	0.03%
TOTAL	**$3,284,846**	**$328,485**	**100.00%**

[1] Totals may not add because of rounding.

[2] This is a lower-bound estimate of the costs of this provision.

EXHIBIT 2 ANNUAL COST AND REVENUE PER SMALL ENTITY (Thousands of 2014 Dollars)

Year	2016	2017-2025 (the same in each year)
Annual Industry Cost for Affected Small Entities **a**	$556	$304
Average Annual Revenue for Small Entities[1] **b**	$105,964	$105,964
Cost of the Rule as a Percentage of Annual Revenue **c = a ÷ b**	0.52%	0.29%

[1] Source: ReferenceUSA data as of February 2015.

4. Identification of All Relevant Federal Rules That May Duplicate, Overlap, or Conflict With the Rule

The rule does not conflict with any relevant Federal rules or duplicate or overlap with any Federal rules in any way that will unnecessarily add cumulative regulatory burdens on small entities without any gain in regulatory benefits.

5. Description of Significant Alternatives to the Rule

BSEE considered three regulatory alternatives:

(1) Promulgate the requirements contained within the rule, including decreasing the BOP testing frequency for workover and decommissioning operations from current 7 day to 14 day testing frequency. The following chart identifies the BOP testing changes related to Alternative 1:

BOP PRESSURE TESTING

Operation	Current testing frequency (days)	Testing frequency (days)
Drilling/Completions	14	14
Workover/Decommissioning	7	14

(2) Promulgate the requirements contained within the rule with a change to the required frequency of BOP pressure testing from the existing regulatory requirements (*i.e.*, 7 or 14 days depending upon the type of operation) to 21 days for all operations. The following chart identifies the BOP testing changes related to Alternative 2:

BOP PRESSURE TESTING

Operation	Current testing frequency (days)	Testing frequency (alternative 1) (days)	Alternative 2 testing frequency (days)
Drilling/Completions	14	14	21
Workover/Decommissioning	7	14	21

(3) Take no regulatory action and continue to rely on existing BOP regulations in combination with permit conditions, DWOPs, operator prudence, and industry standards.

BSEE has elected to move forward with Alternative 1—the final rule—which incorporates recommendations provided by government, industry, academia, and other stakeholders prior to the proposed rule or contained in public comments on the proposed rule. In addition to addressing concerns and aligning with industry standards, BSEE is advancing several of the more critical capabilities beyond current industry standards applicable to BOP systems based on agency knowledge, experience and technical expertise. The rule will also improve efficiency and consistency of the regulations and allow for flexibility in future rulemakings.

Small Business Regulatory Enforcement Fairness Act

The rule is a major rule under the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 *et seq.* Under that statute, a major rule is one that:

(1) Will have an annual effect on the economy of $100 million or more; or

(2) Will cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Will have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

BSEE has determined that this rule is a major rule because it will have an annual effect on the economy of $100 million or more in at least one year of the 10-year period analyzed. The requirements apply to all entities operating on the OCS regardless of company designation as a small business. For more information on costs affecting small businesses, see the *Regulatory Flexibility Act* section above.

Unfunded Mandates Reform Act of 1995 (UMRA)

In accordance with UMRA, BSEE has determined that this rule will not impose an unfunded mandate on State, local, or tribal governments of more than $100 million in a single year and will not have a significant or unique effect on State, local, or tribal governments. BSEE has determined that this rule will impose costs on the private sector of more than $100 million in a single year. Although these costs do not appear to trigger the requirement to prepare a written statement under UMRA, DOI has chosen to prepare such a written statement satisfying the requirements of UMRA. Those requirements are addressed and the required statements are found in the final RIA and final RFA analysis or in the preamble of this final rule.

Specifically, the final RIA, the final RFA analysis, or this document:

1. Identify the provisions of Federal law (OCSLA) under which this rule is being promulgated;
2. Include a quantitative assessment of the anticipated costs to the private sector (*i.e.*, expenditures on labor and equipment) of the final rule; and
3. Include qualitative and quantitative assessments of the anticipated benefits of the final rule.

Since all of the anticipated expenditures by the private sector analyzed in the final RIA and the final RFA analysis would be borne by the offshore oil and gas exploration industry, the final RIA and final RFA analysis satisfy the UMRA requirement to estimate any disproportionate budgetary effects of the proposed rule on a particular segment of the private sector (*i.e.*, the offshore oil and gas industry).

As discussed in the Regulatory Planning and Review section (regarding E.O. 12866 and the RFA), and as explained fully in the final RIA, BSEE considered three regulatory alternatives for dealing with the safety and environmental concerns raised by past and potential future losses of well control. BSEE has decided to move forward with this final rule (Alternative 1) because the other alternatives would not as efficiently or effectively address the safety or environmental concerns raised by various investigations and studies related to the *Deepwater Horizon* incident or achieve the objectives of this final rule.

Takings Implication Assessment (E.O. 12630)

Under the criteria in E.O. 12630, this rule does not have significant takings implications. The rule is not a governmental action capable of interference with constitutionally protected property rights. A Takings Implication Assessment is not required.

Federalism (E.O. 13132)

Under the criteria in E.O. 13132, this rule does not have federalism implications. This rule will not substantially and directly affect the relationship between the Federal and State governments. To the extent that State and local governments have a role in OCS activities, this rule will not affect that role. A federalism assessment is not required.

Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(1) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(2) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (E.O. 13175)

The BSEE is committed to regular and meaningful consultation and collaboration with tribes on policy decisions that have tribal implications. Under the criteria in E.O. 13175 and DOI's Policy on Consultation with Indian Tribes (Secretarial Order 3317, Amendment 2, dated December 31, 2013), we have evaluated this final rule and determined that it has no substantial direct effects on federally recognized Indian tribes.

Paperwork Reduction Act (PRA) of 1995

This rule contains a collection of information that was submitted to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The title of the collection of information for this rule is 30 CFR part 250, subpart G, Well Operations and Equipment. The OMB approved the collection under Control Number 1014–0028, expiration 04/30/2019, 285,111 hours, $102,500 non-hour cost burdens. The information collection concerns BOP system requirements and maintaining well control among others; the information is used in BSEE's efforts to regulate oil and gas operations on the OCS, to protect life and the environment, conserve natural resources, and prevent waste.

Potential respondents comprise Federal OCS oil, gas, and sulfur operators and lessees. The frequency of response varies depending upon the requirement. Responses to this collection of information are mandatory, or are required to obtain or retain a benefit. The information collection (IC) does not include questions of a sensitive nature. BSEE will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and DOI's implementing regulations (43 CFR part 2), 30 CFR 250.197, *Data and information to be made available to the public or for limited inspection, and* 30 CFR part 252, *OCS Oil and Gas Information Program.*

As stated in the preamble, BSEE received 172 sets of comments from individual entities (companies, industry organizations, or private citizens), of which 12 comments pertained to IC. The commenters discussed the additional burden and felt, in some cases, that the burden was not necessarily sufficient. Therefore, based on these comments there are changes to the paperwork requirements and/or burdens and these changes are as follows:

Applications for Permit to Drill (APD)—we increased the burden hours (+510 hours);

Applications for Permit to Modify—we increased the burden hours (+2,411 hours);

Also, while reviewing comments on the final rule it became more clear that under § 250.712(a), (b), and (f), we were counting the number of physical rigs on the OCS rather than counting the number of rig movement forms submitted. Therefore, we increased the number of response and burden to accurately reflect the number of forms submitted (+681 responses and +166 hours);

Under § 250.712(c), (e)—we increased the burden hours relating to notifications if rigs are warm or cold stacked (+25 responses and +12 hours);

The burden hours for § 250.713(a), (b)—information on MODUs—we revised the burden for collecting and reporting additional information (+466 responses and +2,330 hours);

Under § 250.724—RTM burden hours were increased (−20 responses and +64,200 hours);

Under § 250.724(c)—we added burden hours for the requirement to develop and implement an RTM plan (+130 responses and +650 hours);

Under § 250.732(a)—we increased burden hours for the requirement to submit a verification and supporting information for BAVO (+2 responses and +675 hours);

The burden hours in §§ 250.740, 250.741, and 250.724(b) for retention of drilling records and RTM data were increased (+95 responses and +35 hours);

During the proposed rule, we inadvertently entered the wrong hour burden under the subtotal for subpart G (Rig. Req. 1,783 hours should have been 1,633 hours); therefore, we have decreased the subtotal (−150 hours);

Also, between the proposed rule and the final rule numerous ICs were submitted to OMB resulting in increases/decreases in OMB approved burdens and responses of various regulatory requirements associated with the proposed rule (+577 responses and +22,797 hours) (**Note:** see *www.reginfo.gov* for all of BSEE's ICs); and

Due to the IC renewals, the number of responses changed, which also affected two revised burdens: subpart B—DWOP (−4 hours) and subpart D—EOR (+40 hours).

This rule affects ICs under 30 CFR part 250, subpart A (1014–0022, expiration 8/31/2017); subpart B (1014–0024, expiration 11/30/2018; renewal for this subpart is currently at OMB for approval); Applications for Permits to Drill (1014–0025, expiration 4/30/17); Applications for Permits to Modify (1014–0026, expiration 5/31/17); subpart D (1014–0018, expiration 10/31/17); subpart E, (1014–0004, expiration 12/31/16); subpart F, (1014–0001, expiration 12/31/16); subpart P, (1014–0006, expiration 12/31/16); and subpart Q, (1014–0010, expiration 10/31/16). Once this final rule becomes effective, the paperwork burdens associated with the various other subparts will be removed from this collection of information (subpart G) and consolidated with the respective IC burdens under their OMB Control Numbers.

This rule also codifies NTL 2013–G01, Global Positioning Systems (GPS) for Mobile Offshore Drilling Units (MODUs) (1014–0013, expiration 11/30/2018 (renewal for this collection is currently at OMB for approval)) into subpart G. Once this final rule becomes effective, the IC for that NTL will be discontinued.

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BURDEN TABLE

[Current regulations are regular font with an asterisk (*); *Italic* font show *revision(s)* of existing requirements; and **bold** text indicates new requirements]

BAVO = BSEE Approved Verification Organization

30 CFR Part 250 Current *Revision* **NEW**	**Reporting & Recordkeeping Requirement+**	**Hour Burden**	**Average No. of Annual Responses**	**Annual Burden Hours (rounded)**
	Subpart A			
107(e)	Produce and submit documents ordered by BSEE to ensure compliance with this part.	Burden covered under various 30 CFR part 250 regulations (depending on the operational requirement(s)).		0
141; 198; **701; 720(a)(2); 721(d); 730(d)(1);** 1612	Request approval to use new or alternative procedures, along with supporting documentation if applicable, including BAST not specifically covered elsewhere in regulatory requirements.	22	1,430 requests	31,460*
142; 198; **702**	Request approval of departure from operating requirements not specifically covered elsewhere in regulatory requirements, along with supporting documentation if applicable.	3.5	405 requests	1,418*
		Subtotal (A)	1,835 responses	32,878 hours*
	Subpart B			
287; 291; 292(*p*)	Submit DWOP and accompanying/ supporting information. *Provide detailed information/descriptions pertaining to pipeline free standing hybrid riser (FSHR). Submit documentation for pipeline FSHR certification and have verified by CVA.*	1,140 *4*	11 plans	12,540* *44*
		Subtotal (B)	11 responses	12,540 hours* *44 hours* 12,584 hours

		Applications for Permit to Drill (APD)		
410-418; 420(a); 423(c); **428(b), (k);** plus various references in subparts A, D, E, F, **G (701; 702; 713(a), (b), (e), (g); 720(b); 721(g)(4); 724(b); 731; 733(b); 734 (c); 737(a)(3), (b)(2), (b)(3), (d)(2) through (4), (d)(12); 738(f), (m), (n);** H; and P	Apply for permit to drill APD (Form BSEE-0123) that includes any/all supporting documentation /evidence (including, but not limited to, test results, calculations, pressure integrity, kill weight fluids, verifications, certifications, procedures, criteria, qualifications, diverter descriptions; **planned safe drilling margin;** rig anchor pattern plats; contingency plan (move off info/**current monitoring**); description of your BOP and its components and schematic drawings; **descriptive schematic (pressure ratings, dimensions, valves, load shoulders;** locking mechanisms; **location of ruptured disks; description of mudline level to displace cement; how operator visually monitors returns; PE certification re changes to casing setting depths; BAVO reports; description of source control and containment capabilities; EDS; pipe variable bore rams; annulus monitoring plan information; any additional information required by District Manager**; etc.) and requests for various approvals required in Subpart D (including §§ *250.414(h); 418(g);* 427, 428, 432, 460, 490(c)) and submitted via the form; upon request, make available to BSEE.	114.98 **4**	408 applications	46,912* **1,632**
420(b)(4); 428; 465(a)(1); **721(g)(4); 731; 734(c)**	Obtain approval to revise your drilling plan [changes to the casing], or change major drilling equipment by submitting a revised Form BSEE-0123, Application for Permit to Drill; **include BAVO certification; any other information required by the District Manager.**	1.34	662 submittals	888*
		Subtotal (APD)	1,070 responses	47,800 hours* **1,632 hours** 49,432 hours
		Application for Permit to Modify (APM)		
460; 465; ref in subparts A, D, E *518(f);* F, *619(f)*; **G, 701; 702; 713(a), (b), (e), (g); 720(b); 721(g)(4); 724(b);**	Provide revised plans and the additional supporting information required by the cited regulations [test results; calculations; verifications; certifications, procedures; **descriptions/calculations of production packer setting depth**; **BAVO reports/certifications;** rig anchor pattern plats; contingency plan *(*move off info/**current monitoring**)*;* description of your BOP, its components and schematic drawings; [annulus monitoring plan information]; criteria; qualifications; etc.] when you submit an	2.841 **1.5**	2,893 applications	8,219* **4,340**

731; 733(b); 734(b)(1); 737(d)(2) through (4), (d)(12); 738(f), (m), (n); *H;* P; and Q *1704(g)*	Application for Permit to Modify (APM) (Form BSEE-0124) to BSEE for approval.			
Subparts D, E, F, H, P, Q	Submit Revised APM plans (BSEE-0124). (This burden represents only the filling out of the form).	1	1,551 applications	1,551*
		Subtotal (APM)	4,444 responses	9,770 hours* **4,340 hours** 14,110 hours
	Subpart D			
420(b)(3); 465(a) *(b)(3);* plus various ref in A, D, E, F, **G, 721(g)(8); 744;** P; Q (1704(**h**));	Submit form BSEE-0125 (End-of-Operations Report (EOR)) and all additional supporting information as required by the cited regulations; *and any additional information required by the District Manager.*	2 *1*	279 submittals	558* *279*
421(b)	Alaska only: Discuss the cement fill level with the District Manager.	1	1 discussion	1*
421(f)	Submit and receive approval if unable to cement 500 ft above previous shoe.	Burden covered under 30 CFR part 250, subpart A (§ 250.141/142) 1014-0022		0
423(c)(2)	Document all your test results and make them available to BSEE upon request.	0.5	300 results	150*
428(c)(3); **428(k); 743(a), (c); 746(e);** ref in subparts A, D, **G**	In the GOM OCS Region, submit drilling activity reports weekly (District Manager may require more frequent submittals) on Forms BSEE-0133 (Well Activity Report (WAR)) and BSEE-0133S (Bore Hole Data) with supporting documentation.	1	4,160 submittals	4,160*
428(c)(3); **428(k); 743(b), (c)** ref in A, D, **G**	In the Pacific and Alaska Regions during drilling operations, submit daily drilling reports on Forms BSEE-0133 (Well Activity Report (WAR)) and BSEE-0133S (Bore Hole Data) with supporting documentation.	1	14 wells x 365 days x 20% year = 1,022	1,022*
428(d)	Submit all remedial actions for review and approval by District Manager (before taking action); and any other requirements of the District Manager.	5	1,000 submittals	5,000*
428(d)	*Submit descriptions of completed immediate actions to District Manager and any other requirements of the District Manager.*	*5*	*564 submittals*	*2,820*

428(d)	*Submit PE certification of any proposed changes to your well program; and any other requirements of the District Manager.*	*4*	*450 submittals*	*1,800*
428(k)	**NEW:** Maintain daily drilling report (cementing requirements).	**0.5**	**75 reports**	**38**
428(k)	**NEW:** If cement returns are not observed, contact the District Manager to obtain approval before continuing with operations.	**1**	**10 requests**	**10**
462(c)	**NEW:** Submit a description of source control and containment capabilities and all supporting information for approval.	**8**	**150 submittals**	**1,200**
462(d)	**NEW:** Request re-evaluation of your source containment capabilities from the District Manager and Regional Supervisor.	**1**	**600 requests**	**600**
462(e)(1)	**NEW:** Notify BSEE 21 days prior to pressure testing; witness by BSEE and BAVO.	**0.5**	**150 notifications**	**75**
			6,762 responses	10,891 hours*
			1,014 responses	*4,899 hours*
			985 responses	**1,923 hours**
		Subtotal (D)	8,761 responses	17,713 hours
Subpart E				
518(f)	Include in your APM descriptions and calculations of production packer setting depth(s).	Burden covered under 1014-0026.		0
Subpart F				
619(f)	Include in your APM descriptions and calculations of production packer setting depth(s).	Burden covered under 1014-0026.		0
Subpart G				
General Requirements				
701; 720(a); 730(d)(1) (250.141)	Request alternative procedures or equipment from District Manager; along with any supporting documentation/ information required.	Burden cover under 1014-0022.		0
702 (250.142)	Request departures from District Manager; include justification; and submit supporting documentation if applicable.	Burden cover under 1014-0022.		0
Rig Requirements				
710(a)	Instruct crew members in safety requirements of operations - record dates and times of meetings, *include potential hazards; make available to BSEE.*	0.75	7,512 meetings	5,634*
710(b); 738(p)	Prepare a well-control drill plan for each well, including but not limited to instructions re components of BOP, procedures, crew assignments, established times to complete assignments, etc. Keep/post a copy of the plan on the rig at all times; post on rig floor/bulletin board.	0.5	308 plans	154*

711(b), (c)	Record in the daily report: time, date, and type of drill conducted; time re diverter or BOP components; total time for entire drill.	1	8,320 drills	8,320*
712(a), (b), (f)	Notify BSEE of all rig movements on or off locations.	0.1	20 notices	2*
	Rig movements reported on Rig Movement Notification Report (Form BSEE-0144). Including *MODUs,* platform rigs; snubbing units, *lift boats, wire-line units,* and coiled tubing units 24 hours prior to movement; *if the initial date changes by more than 24 hours, submit updated BSEE-0144.*	0.2	151 forms	30*
		0.2	*832 forms*	*166*
712(c), (e)	**NEW:** Notify District Manager if MODU or platform rig is to be warm or cold stacked on Form BSEE-0144; notify District Manager where the rig is coming from when entering OCS waters.	**0.5**	**50 notifications**	**25**
712(d)	**NEW:** Prior to resuming operations, report to District Manager any construction repairs or modifications that were made to the MODU or rig.	**2**	**10 responses**	**20**
713	Submit MODU information if being used for well operations with your APD/APM.	Burden covered under 1014-0025 for APD; and 1014-0026 for APM.		0
713(a), (b)	Collect and report additional information if sufficient information is not available.	5	30 responses	150*
			466 responses	*2,330*
713(b)	Reference to Exploration Plan, Development and Production Plan, and Development Operations Coordination Document (30 CFR part 550, subpart B).	Burden covered under 1010-0151.		0
713(c)(1)	Submit 3rd party review of drilling unit according to 30 CFR part 250, subpart I.	Burden covered under 1014-0011.		0
713(c)(2); (417)(c)(2)	Have a Contingency Plan that addresses design and operating limitations of MODU.	Burden covered under 1014-0025.		0
713(d) 417(d)	Submit current certificate of inspection/ compliance from USCG and classification; submit documentation of operational limitations by a classification society.	Burden covered under 1014-0025.		0
714	NEW: Develop and implement dropped objects plan with supporting documentation/ information; any additional information required by the District Manager; make available to BSEE upon request.	**40**	**40 plans**	**1,600**
715; NTL	GPS for MODUs 1 – Notify BSEE with tracking/locator data access and supporting information; notify BSEE Hurricane Response Team as soon as operator is aware a rig has moved off location.	0.25	1 rig 1 notification	1*
	2 –Install and protect tracking/locator devices – (these are replacement GPS devices or new).	20 devices per year for replacement and/or new x $325.00 = $6,500*.		

	3 – Pay monthly tracking fee for GPS devices already placed on MODUs.	40 rigs x $50/month = ($600/year per 1 rig) = $24,000*.		
	4 – Rent GPS devices and pay monthly tracking fee per MODU.	40 rigs @ $1,800 per year = $72,000*.		
			16,343 responses	14,291 hours*
			1,298 responses	*2,496 hours*
			100 responses	**1,645 hours**
			17,741 responses	18,432 hours
	Subtotal (G – Rig Req.)		$102,500 Non-hour cost burdens*	
	Well Operations			
720(a)	**NEW:** Notify and obtain approval from the District Manager when interrupting operations.	**5**	**150 notifications**	**750**
720(a)(2)	Request approval to use alternate procedures/barriers.	Burden covered under 1014-0022.		0
720(b)	Submit with your APD or APM reasons for displacing kill-weight fluid with detailed procedures with relevant information of section.	Burden covered under 1014-0025 for APD; and 1014-0026 for APM.		0
721(d), (f), (g)	Submit to the District Manager for approval plans to re-cement, repair, or run additional casing/liner, include PE certification of proposed plans.	0.5	88 requests	44*
721(g)(4)	Submit test procedures and criteria for a successful test with APD/APM; if changes made to procedures, submit changes with revised APD or APM.	Burden covered under 1014-0025 for APD; and 1014-0026 for APM.		0
721(g)(5)	Document all your test results; make available to BSEE upon request.	0.75	1,340 results	1,005*
721(g)(6)	Notify District Manager immediately of indication of failed negative pressure test; submit description of corrective action taken; receive approval to retest.	1	14 notifications	14*
721(g)(8); 744(a)	Submit Form BSEE-0125, EOR.	Burden covered under 1014-0018.		0
722	Caliper, pressure test, or evaluate casing; submit evaluation results report *including calculations*; obtain approval before *repairing or installing additional casing;* **PE Certification**; or resuming operations (every 30 days during prolonged drilling).	3	247 reports	741*
722(b)(3)	**NEW:** Perform a pressure test after repairs made/casing installed and report results.	**1**	**300 results**	**300**
723(d)	Request exceptions prior to moving rig(s) or related equipment.	1.5	845 requests	1,268*
724	**NEW:** Transmit real-time monitoring (RTM) data onshore during operations or in HPHT reservoirs; store and monitor by qualified personnel. Provide BSEE access to RTM data storage locations upon request.	**2,160**	**30 rigs**	**64,800**

724(c)	**NEW:** Develop and implement a RTM plan that includes all required data of this section; make available to BSEE upon request.	**5**	**130 plans**	**650**
724(b)	**NEW:** Include in your APD a certification that you have such a plan and meet criteria of this section.	Burden covered under 1014-0025 for APD; and 1014-0026 for APM.		0
			2,534 responses	3,072 hours*
			610 responses	**66,500 hours**
	Subtotal (G – Well Op.)		3,144 responses	69,572 hours
BOP System Requirements				
730(a)(4)	**NEW:** Maintain current set of approved schematic drawings on rig and onshore location; obtain approval to resume operations if modified/changed.	**24**	**10 requests**	**240**
730(c)(1)	**NEW:** Provide written notice within 30 days of discovery/identification of equipment failure.	**2**	**30 reports**	**60**
730(c)(2)	**NEW:** Provide BSEE and manufacturer a copy of analysis report re equipment failure.	**5**	**30 reports**	**150**
730(c)(3)	**NEW:** Document all results and any corrective action re failure analysis. Submit report re design change/modified procedures within 30 days of manufacturer's notification.	**5**	**2 reports**	**10**
730(d)(1)	**NEW:** Request alternate approval from using to API Spec. Q1.	**5**	**1 response**	**5**
731	Submit/resubmit BOP component information in APD/APM and certification that verifies changes or moved off location.	Burden covered under 1014-0025 for APD; and 1014-0026 for APM.		0
732(a)	**NEW:** Request and submit for approval all relevant information to become a BAVO.	**100**	**7 applications**	**700**
732(b)	**NEW:** Submit BAVO verification and all supporting documentation related to this section (such as, but not limited to shearing testing, pressure integrity testing, calculations, etc.).	**10**	**150 verifications**	**1,500**
732(c)	**NEW:** Submit verifications, before beginning operations in HPHT environment, that a BAVO conducted detailed reviews of the BOP and related equipment.	**10**	**10 wells**	**100**
732(d), (e)	**NEW:** Submit a BAVO Mechanical Integrity Assessment Report that includes all information from this section; make all documentation available to BSEE upon request.	**10**	**90 reports**	**900**
733(b)(2)	**NEW:** Describe in your APD or APM your annulus monitoring plan.	Burden covered under 1014-0025 for APD; and 1014-0026 for APM.		0
734(a)(7)	Demonstrate acoustic control system will	5	1 validation	5*

	function properly in environment and conditions; *submit any additional information requested.*	*1*	*10 submittals*	*10*
734(a)(9); 738(n)	Label all functions on all panels.	1.5	33 panels	50*
734(a)(10)	Develop written procedures for operating the BOP stack, LMRP, and minimum knowledge requirements for personnel authorized to operate/maintain BOP components.	Burden covered under 1014-0018.		0
734(b), (c)	*Before resuming operations, submit a revised APD/APM with BAVO report documenting repairs*; perform a new BOP test upon relatch, etc.; receive approval from the District Manager.	Burden covered under 1014-0025 for APD; and 1014-0026 for APM.		0
737(a)(3), (a)(4); (b)(2), (b)(3); (d)(2) through (4), d)(12)	In your APD: submit stump, initial, or pressure tests; and subsea BOP procedures and supporting relevant data/information including, but not limited to, casing string and liner; quick disconnect procedures with your deadman test procedures, etc. Obtain approval of test pressures.	Burden covered under 1014-0025.		0
737(c); 746(a), (b), (c), (d)	Record time, date, and results of all pressure tests, actuations, and inspections of the BOP system, its components, and marine riser in the daily report; onsite rep certify and sign/date reports, etc.; document sequential order of BOP, closing times, auxiliary testing, pressure, and duration of each test.	7.75	4,457 results	34,542*
737(d)(2), (d)(3), (d)(4);	Notify District Manager 72 hours prior to testing; if BSEE unable to witness test, provide results to BSEE within 72 hours after completion; document all ROV test results; make available to BSEE upon request.	0.25	186 notifications	47*
		5.5	1,239 results	6,815*
737(d) (12)	Document all autoshear, *EDS,* and deadman test results; make available to BSEE upon request.	0.5	2,520 submittals	1,260*
		1	*120 responses*	*120*
737(e)	Provide 72 hour advance notice of location of shearing ram tests or inspections.	0.25	136 notices	34*
738; 746(e)	**NEW**/*Revised*: Requires District Manager Approval: (a), (d); 746(e) Report problems, issues, leaks; (b) Put well in a safe condition; (b) Prior to resuming operations for new/repaired/reconfigured BOP *(g) Your well control places demands above its rating pressure;* (j) Two barriers in place prior to BOP removal.	**0.5**	**25 requests**	**13**
		1	**25 requests**	**25**
		1	**25 requests**	**25**
		0.25	200 requests	50*
		1	*15 requests*	*15*
		1	**1 request**	**1**
738(b), (i)	**NEW:** Submit a BAVO report/verification that BOP is fit for service.	**0.5**	**50 submittals**	**25**
738(f)	**NEW:** Notify District Manager of BOP configuration changes.	**0.5**	**15 submittals**	**8**
738(g)	**NEW:** Demonstrate well-control procedures will not place demands above its working	**1**	**15 submittals**	**15**

	pressure.			
738(k)	**NEW:** Contact and obtain for approval prior to latching up BOP stack/re-establishing power.	**1**	**2 requests**	**2**
738(m)	**NEW:** Request approval in your APD or APM to utilize any other well-control equipment.	Burden covered under 1014-0025 for APD; and 1014-0026 for APM.		0
738(m)	**NEW:** Request approval to utilize any other well-control equipment; include BAVO report re-equipment design and suitability; any other documentation/information required by District Manager.	**2**	**10 requests**	**20**
738(n)	**NEW:** Include in your APD or APM which pipe/variable bore rams meet the criteria.	Burden covered under 1014-0025 for APD; and 1014-0026 for APM.		0
738(o)	**NEW:** Submit BAVO report re failure of redundant control and confirming no impact to the BOP that makes it unfit; receive approval to continue operations; submit any additional information requested by the District Manager.	**1**	**15 submittals**	**15**
739	Document **how you meet/exceed API Standard 53;** maintain complete records; **track/document all inspection dates**; maintain all records including but not limited to **equipment schematics**, maintenance, inspection, repair, etc., for 2 years or longer if directed on the rig; all **equipment schematics**, maintenance, inspection, repair records are located onshore for service life of equipment; make available to BSEE upon request.	9.75	350 records	3,413*
739(b)	**NEW:** A BAVO report documenting inspection, including problems and how corrected; make reports available to BSEE upon request.	**5**	**21 reports**	**105**
			9,122 responses	46,216 hours*
			145 responses	*145 hours*
			534 responses	**3,919 hours**
	Subtotal (G – BOP SR)		9,801 responses	50,280 hours
	Records and Reporting Requirement			
740; 711(b); 724(b); 738(c); 745; 746	Maintain daily report/records onsite during operations include, but not limited to, **date, time, type of drill**, test results; any information required by the District Manager.	25 min	312 reports	130*
		1	**25 responses**	**25**
740; 741; 724(b)	Retain drilling records for 90 days after drilling complete; retain casing/liner pressure, diverter, BOP tests, **real-time monitoring data** for 2 years after completion; any other information requested by the District Manager.	2.15	3,460 records	7,439*
		0.5	**120 records**	**60**

742; NTL	Submit copies of logs/**charts of electrical, radioactive, sonic,** or other well logging operations.	3	281 logs/ surveys	843*
	Submit copies of directional and vertical-well surveys.	1	281 reports	281*
	Submit copies of velocity profiles and surveys.	1	55 reports	55*
	Record and submit core analyses.	1	150 analyses	150*
743(a), (c)	In the GOM OCS Region, submit Well Activity Reports (WARs) weekly (District Manager may require more frequent submittals) on BSEE-0133 and BSEE-0133S (Open Hole Data Report) with supporting information described in this section; *any additional information required by the District Manager.*	Burden covered under 1014-0018.		0
743(b), (c)	In the Pacific and Alaska OCS Regions during operations, submit WARs daily (BSEE-0133 and BSEE-0133S); with supporting information described in this section; *any additional information required by the District Manager.*	Burden covered under 1014-0018.		0
744	Submit form BSEE-0125, EOR.	Burden covered under 1014-0018.		0
745; NTL	Submit copies of well records; paleontological interpretations; service company reports; and other reports or records of operations to BSEE as requested.	1.5	308 submissions	462*
746	Record the time, date, and results of all casing and liner presser tests.	2	4,160 results	8,320*
746(f)	Retain all records pertaining to pressure tests, actuations, and inspections in daily report etc.; retain all records listed in this section on the rig unit for the duration of operation; after completion, retain all records listed in this section for 2 years on rig unit and at the lessee's field office conveniently available to BSEE; make all the records available upon request.	1.5	1,563 records	2,345*
			10,570 responses	20,025 hours*
			145 responses	**85 hours**
		Subtotal (G – Rec. & Rpt. Req.)	10,715 responses	20,110 hours
	Subpart P			
1612	Request exception from 30 CFR 250.711 requirements.	Burden covered under 1014-0006.		0

Subpart Q			
1704(g), **(h)**	Submit Forms BSEE-0124 and BSEE-0125; include all supporting documentation/ information.	Burden covered under 1014-0018 for BSEE-0125; and 1014-0026 for BSEE-0124.	0
	Current burden	52,691 responses	197,483 hours*
	Revised burden	*2,457 responses*	*7,584 hours*
	NEW burden	**2,374 responses**	**80,044 hours**
Grand Total		57,522 Responses	285,111 Hours
		$102,500 Non-Hour Cost Burden	

* Indicates burdens are covered under one of the following OMB approved control numbers: 1014-0022, subpart A; 1014-0024, subpart B; 1014-0018, subpart D; 1014-0004, subpart E; 1014-0001, subpart F; 1014-0006, subpart P; 1014-0010, subpart Q; 1014-0013, GPS for MODUs; 1014-0025, APDs; or 1014-0026, APMs.

+ In the future BSEE will be allowing the option of electronic reporting for certain requirements.

BILLING CODE 4310–VH–C

An agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public may comment, at any time, on the accuracy of the IC burden in this rule and may submit any comments to DOI/BSEE; ATTN: Regulations and Standards Branch; VAE–ORP; 45600 Woodland Road, Sterling, VA 20166; or email at *kye.mason@bsee.gov*; (703) 787–1607.

National Environmental Policy Act of 1969 (NEPA)

We prepared a final environmental assessment that concludes that this final rule would not have a significant impact on the quality of the human environment under NEPA. A copy of the Environmental Assessment and Finding of No Significant Impact can be viewed at *www.regulations.gov* (use the keyword/ID BSEE–2015–0002).

Data Quality Act

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554, app. C, sec. 515, 114 Stat. 2763, 2763A–153–154).

Effects on the Nation's Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211. Although the rule is a significant regulatory action under E.O. 12866, it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. A Statement of Energy Effects is not required.

List of Subjects in 30 CFR Part 250

Administrative practice and procedure, Continental shelf, Environmental impact statements, Environmental protection, Incorporation by reference, Oil and gas exploration, Outer Continental Shelf—mineral resources, Outer Continental Shelf—rights-of-way, Penalties, Reporting and recordkeeping requirements, Sulfur.

Janice M. Schneider,
Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Bureau of Safety and Environmental Enforcement (BSEE) amends 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 30 U.S.C. 1751, 31 U.S.C. 9701, 43 U.S.C. 1334.

Subpart A—General

■ 2. Amend § 250.102 by:

■ a. Revising paragraphs (b)(1) and (11) through (13); and

■ b. Adding paragraph (b)(19).

The revisions and addition read as follows:

§ 250.102 What does this part do?

* * * * *

(b) * * *

TABLE—WHERE TO FIND INFORMATION FOR CONDUCTING OPERATIONS

For information about . . .	Refer to . . .
(1) Applications for permit to drill (APD),	30 CFR 250, subparts D and G.
* * * *	* * *
(11) Oil and gas well-completion operations,	30 CFR 250, subparts E and G.
(12) Oil and gas well-workover operations,	30 CFR 250, subparts F and G.
(13) Decommissioning activities,	30 CFR 250, subparts G and Q.

TABLE—WHERE TO FIND INFORMATION FOR CONDUCTING OPERATIONS—Continued

For information about . . .	Refer to . . .
* * * *	* * *
(19) Well operations and equipment,	30 CFR 250, subpart G.

■ 3. Amend § 250.107 by:

■ a. Removing the word "and" from the end of paragraph (a)(1);

■ b. Removing the period from the end of paragraph (a)(2) and adding in its place a semicolon; and

■ c. Adding paragraphs (a)(3) and (4) and (e).

The additions read as follows:

§ 250.107 What must I do to protect health, safety, property, and the environment?

(a) * * *

(3) Utilizing recognized engineering practices that reduce risks to the lowest level practicable when conducting design, fabrication, installation, operation, inspection, repair, and maintenance activities; and

(4) Complying with all lease, plan, and permit terms and conditions.

* * * * *

(e) BSEE may issue orders to ensure compliance with this part, including, but not limited to, orders to produce and submit records and to inspect, repair, and/or replace equipment. BSEE may also issue orders to shut-in operations of a component or facility because of a threat of serious, irreparable, or immediate harm to health, safety, property, or the environment posed by those operations or because the operations violate law, including a regulation, order, or provision of a lease, plan, or permit.

■ 4. In § 250.125, revise the table in paragraph (a) to read as follows:

§ 250.125 Service fees.

(a) * * *

Service—processing of the following:	Fee amount	30 CFR Citation
(1) Suspension of Operations/Suspension of Production (SOO/SOP) Request.	$2,123	§ 250.171(e).
(2) Deepwater Operations Plan (DWOP)	3,599	§ 250.292(q).
(3) Application for Permit to Drill (APD); Form BSEE–0123.	$2,113 *for initial applications only; no fee for revisions.*.	§ 250.410(d); § 250.513(b); § 250.1617(a).
(4) Application for Permit to Modify (APM); Form BSEE–0124.	125	§ 250.465(b); § 250.513(b); § 250.613(b); § 250.1618(a); § 250.1704(g).
(5) New Facility Production Safety System Application for facility with more than 125 components.	$5,426 A component is a piece of equipment or ancillary system that is protected by one or more of the safety devices required by API RP 14C (as incorporated by reference in § 250.198); $14,280 additional fee will be charged if BSEE deems it necessary to visit a facility offshore, and $7,426 to visit a facility in a shipyard..	§ 250.802(e).
(6) New Facility Production Safety System Application for facility with 25–125 components.	$1,314 Additional fee of $8,967 will be charged if BSEE deems it necessary to visit a facility offshore, and $5,141 to visit a facility in a shipyard..	§ 250.802(e).
(7) New Facility Production Safety System Application for facility with fewer than 25 components.	652	§ 250.802(e).
(8) Production Safety System Application—Modification with more than 125 components reviewed.	605	§ 250.802(e).
(9) Production Safety System Application—Modification with 25–125 components reviewed.	217	§ 250.802(e).
(10) Production Safety System Application—Modification with fewer than 25 components reviewed.	92	§ 250.802(e).
(11) Platform Application—Installation—Under the Platform Verification Program.	22,734	§ 250.905(l).
(12) Platform Application—Installation—Fixed Structure Under the Platform Approval Program.	3,256	§ 250.905(l).
(13) Platform Application—Installation—Caisson/Well Protector.	1,657	§ 250.905(l)
(14) Platform Application—Modification/Repair	3,884	§ 250.905(l).
(15) New Pipeline Application (Lease Term)	3,541	§ 250.1000(b).
(16) Pipeline Application—Modification (Lease Term).	2,056	§ 250.1000(b).
(17) Pipeline Application—Modification (ROW)	4,169	§ 250.1000(b).
(18) Pipeline Repair Notification	388	§ 250.1008(e).
(19) Pipeline Right-of-Way (ROW) Grant Application.	2,771	§ 250.1015(a).
(20) Pipeline Conversion of Lease Term to ROW.	236	§ 250.1015(a).

Service—processing of the following:	Fee amount	30 CFR Citation
(21) Pipeline ROW Assignment	201	§ 250.1018(b).
(22) 500 Feet From Lease/Unit Line Production Request.	3,892	§ 250.1156(a).
(23) Gas Cap Production Request	4,953	§ 250.1157.
(24) Downhole Commingling Request	5,779	§ 250.1158(a).
(25) Complex Surface Commingling and Measurement Application.	4,056	§ 250.1202(a); § 250.1203(b); § 250.1204(a).
(26) Simple Surface Commingling and Measurement Application.	1,371	§ 250.1202(a); § 250.1203(b); § 250.1204(a).
(27) Voluntary Unitization Proposal or Unit Expansion.	12,619	§ 250.1303(d).
(28) Unitization Revision	896	§ 250.1303(d).
(29) Application to Remove a Platform or Other Facility.	4,684	§ 250.1727.
(30) Application to Decommission a Pipeline (Lease Term).	1,142	§ 250.1751(a) or § 250.1752(a).
(31) Application to Decommission a Pipeline (ROW).	2,170	§ 250.1751(a) or § 250.1752(a).

* * * * *

■ 5. Amend § 250.198 by:

■ a. Revising paragraphs (h)(51), (63), (68), and (70); and

■ b. Removing the period at the end of paragraph (h)(88) and adding a semicolon in its place; and

■ c. Adding paragraphs (h)(89) through (94).

The revisions and additions read as follows:

§ 250.198 Documents incorporated by reference.

* * * * *

(h) * * *

(51) API Recommended Practice 2RD, Design of Risers for Floating Production Systems (FPSs) and Tension-Leg Platforms (TLPs), First Edition, June 1998; Reaffirmed May 2006, including Errata June 2009, incorporated by reference at §§ 250.292, 250.733, 250.800, 250.901, and 250.1002;

* * * * *

(63) API Standard 53, Blowout Prevention Equipment Systems for Drilling Wells, Fourth Edition, November 2012, incorporated by reference at §§ 250.730, 250.735, 250.737, and 250.739;

* * * * *

(68) ANSI/API Specification Q1, Specification for Quality Programs for the Petroleum, Petrochemical and Natural Gas Industry, Eighth Edition, December 2007, incorporated by reference at §§ 250.730 and 250.806;

* * * * *

(70) ANSI/API Specification 6A, Specification for Wellhead and Christmas Tree Equipment, Nineteenth Edition, July 2004, including Errata 1 (September 2004), Errata 2 (April 2005), Errata 3 (June 2006), Errata 4 (August 2007), Errata 5 (May 2009), Addendum 1 (February 2008), Addenda 2, 3, and 4 (December 2008), incorporated by reference at §§ 250.730, 250.806, and 250.1002;

* * * * *

(89) ANSI/API Specification 11D1, Packers and Bridge Plugs, Second Edition, July 2009, incorporated by reference at §§ 250.518, 250.619, and 250.1703;

(90) ANSI/API Specification 16A, Specification for Drill-through Equipment, Third Edition, June 2004, Reaffirmed August 2010, incorporated by reference at § 250.730;

(91) ANSI/API Specification 16C, Specification for Choke and Kill Systems, First Edition, January 1993, Reaffirmed July 2010; incorporated by reference at § 250.730;

(92) API Specification 16D, Specification for Control Systems for Drilling Well Control Equipment and Control Systems for Diverter Equipment, Second Edition, July 2004, Reaffirmed August 2013, incorporated by reference at § 250.730;

(93) ANSI/API Specification 17D, Design and Operation of Subsea Production Systems—Subsea Wellhead and Tree Equipment, Second Edition; May 2011, incorporated by reference at § 250.730; and

(94) ANSI/API Recommended Practice 17H, Remotely Operated Vehicle Interfaces on Subsea Production Systems, First Edition, July 2004, Reaffirmed January 2009, incorporated by reference at § 250.734.

* * * * *

■ 6. In § 250.199, revise paragraph (e) to read as follows:

§ 250.199 Paperwork Reduction Act statements—information collection.

* * * * *

(e) BSEE is collecting this information for the reasons given in the following table:

30 CFR Subpart, title and/or BSEE Form (OMB Control No.)	BSEE collects this information and uses it to:
(1) Subpart A, General (1014–0022), including Forms BSEE–0011, iSEE; BSEE–0132, Evacuation Statistics; BSEE–0143, Facility/Equipment Damage Report; BSEE–1832, Notification of Incidents of Noncompliance.	(i) Determine that activities on the OCS comply with statutory and regulatory requirements; are safe and protect the environment; and result in diligent development and production on OCS leases. (ii) Support the unproved and proved reserve estimation, resource assessment, and fair market value determinations. (iii) Assess damage and project any disruption of oil and gas production from the OCS after a major natural occurrence.
(2) Subpart B, Plans and Information (1014–0024)	Evaluate Deepwater Operations Plans for compliance with statutory and regulatory requirements
(3) Subpart C, Pollution Prevention and Control (1014–0023)	(i) Evaluate measures to prevent unauthorized discharge of pollutants into the offshore waters.

30 CFR Subpart, title and/or BSEE Form (OMB Control No.)	BSEE collects this information and uses it to:
	(ii) Ensure action is taken to control pollution.
(4) Subpart D, Oil and Gas and Drilling Operations (1014–0018), including Forms BSEE–0125, End of Operations Report; BSEE–0133, Well Activity Report; and BSEE–0133S, Open Hole Data Report.	(i) Evaluate the equipment and procedures to be used in drilling operations on the OCS. (ii) Ensure that drilling operations meet statutory and regulatory requirements.
(5) Subpart E, Oil and Gas Well-Completion Operations (1014–0004)	(i) Evaluate the equipment and procedures to be used in well-completion operations on the OCS. (ii) Ensure that well-completion operations meet statutory and regulatory requirements.
(6) Subpart F, Oil and Gas Well Workover Operations (1014–0001)	(i) Evaluate the equipment and procedures to be used during well-workover operations on the OCS. (ii) Ensure that well-workover operations meet statutory and regulatory requirements.
(7) Subpart G, Blowout Preventer Systems (1014–0028), including Form BSEE–0144, Rig Movement Notification Report.	(i) Evaluate the equipment and procedures to be used during well drilling, completion, workover, and abandonment operations on the OCS. (ii) Ensure that well operations meet statutory and regulatory requirements.
(8) Subpart H, Oil and Gas Production Safety Systems (1014–0003)	(i) Evaluate the equipment and procedures that will be used during production operations on the OCS. (ii) Ensure that production operations meet statutory and regulatory requirements.
(9) Subpart I, Platforms and Structures (1014–0011)	(i) Evaluate the design, fabrication, and installation of platforms on the OCS. (ii) Ensure the structural integrity of platforms installed on the OCS.
(10) Subpart J, Pipelines and Pipeline Rights-of-Way (1014–0016), including Form BSEE–0149, Assignment of Federal OCS Pipeline Right-of-Way Grant.	(i) Evaluate the design, installation, and operation of pipelines on the OCS. (ii) Ensure that pipeline operations meet statutory and regulatory requirements.
(11) Subpart K, Oil and Gas Production Rates (1014–0019), including Forms BSEE–0126, Well Potential Test Report and BSEE–0128, Semiannual Well Test Report.	(i) Evaluate production rates for hydrocarbons produced on the OCS. (ii) Ensure economic maximization of ultimate hydrocarbon recovery.
(12) Subpart L, Oil and Gas Production Measurement, Surface Commingling, and Security (1014–0002).	(i) Evaluate the measurement of production, commingling of hydrocarbons, and site security plans. (ii) Ensure that produced hydrocarbons are measured and commingled to provide for accurate royalty payments and security.
(13) Subpart M, Unitization (1014–0015)	(i) Evaluate the unitization of leases. (ii) Ensure that unitization prevents waste, conserves natural resources, and protects correlative rights.
(14) Subpart N, Remedies and Penalties	(The requirements in subpart N are exempt from the Paperwork Reduction Act of 1995 according to 5 CFR 1320.4).
(15) Subpart O, Well Control and Production Safety Training (1014–0008)	(i) Evaluate training program curricula for OCS workers, course schedules, and attendance. (ii) Ensure that training programs are technically accurate and sufficient to meet statutory and regulatory requirements, and that workers are properly trained.
(16) Subpart P, Sulfur Operations (1014–0006)	(i) Evaluate sulfur exploration and development operations on the OCS. (ii) Ensure that OCS sulfur operations meet statutory and regulatory requirements and will result in diligent development and production of sulfur leases.
(17) Subpart Q, Decommissioning Activities (1014–0010)	Ensure that decommissioning activities, site clearance, and platform or pipeline removal are properly performed to meet statutory and regulatory requirements and do not conflict with other users of the OCS.
(18) Subpart S, Safety and Environmental Management Systems (1014–0017), including Form BSEE–0131, Performance Measures Data.	(i) Evaluate operators' policies and procedures to assure safety and environmental protection while conducting OCS operations (including those operations conducted by contractor and subcontractor personnel). (ii) Evaluate Performance Measures Data relating to risk and number of accidents, injuries, and oil spills during OCS activities.
(19) Application for Permit to Drill (APD, Revised APD), Form BSEE–0123; and Supplemental APD Information Sheet, Form BSEE–0123S, and all supporting documentation (1014–0025).	(i) Evaluate and approve the adequacy of the equipment, materials, and/or procedures that the lessee or operator plans to use during drilling. (ii) Ensure that applicable OCS operations meet statutory and regulatory requirements.

30 CFR Subpart, title and/or BSEE Form (OMB Control No.)	BSEE collects this information and uses it to:
(20) Application for Permit to Modify (APM), Form BSEE–0124, and supporting documentation (1014–0026).	(i) Evaluate and approve the adequacy of the equipment, materials, and/or procedures that the lessee or operator plans to use during drilling and to evaluate well plan modifications and changes in major equipment. (ii) Ensure that applicable OCS operations meet statutory and regulatory requirements.

Subpart B—Plans and Information

■ 7. Amend § 250.292 by:

■ a. Removing the word "and" from the end of paragraph (o);

■ b. Redesignating paragraph (p) as paragraph (q); and

■ c. Adding new paragraph (p).

The addition reads as follows:

§ 250.292 What must the DWOP contain?

* * * * *

(p) If you propose to use a pipeline free standing hybrid riser (FSHR) on a permanent installation that utilizes a critical chain, wire rope, or synthetic tether to connect the top of the riser to a buoyancy air can, provide the following information in your DWOP in the discussions required by paragraphs (f) and (g) of this section:

(1) A detailed description and drawings of the FSHR, buoy and the tether system;

(2) Detailed information on the design, fabrication, and installation of the FSHR, buoy and tether system, including pressure ratings, fatigue life, and yield strengths;

(3) A description of how you met the design requirements, load cases, and allowable stresses for each load case according to API RP 2RD (as incorporated by reference in § 250.198);

(4) Detailed information regarding the tether system used to connect the FSHR to a buoyancy air can;

(5) Descriptions of your monitoring system and monitoring plan to monitor the pipeline FSHR and tether for fatigue, stress, and any other abnormal condition (*e.g.*, corrosion) that may negatively impact the riser or tether; and

(6) Documentation that the tether system and connection accessories for the pipeline FSHR have been certified by an approved classification society or equivalent and verified by the CVA required in subpart I of this part; and

* * * * *

Subpart D—Oil and Gas Drilling Operations

■ 8. Revise § 250.400 to read as follows:

§ 250.400 General requirements.

Drilling operations must be conducted in a safe manner to protect against harm or damage to life (including fish and other aquatic life), property, natural resources of the Outer Continental Shelf (OCS), including any mineral deposits (in areas leased and not leased), the National security or defense, or the marine, coastal, or human environment. In addition to the requirements of this subpart, you must also follow the applicable requirements of subpart G of this part.

§§ 250.401 through 250.403 [Removed and Reserve]

■ 9. Remove and reserve §§ 250.401 through 250.403.

§ 250.406 [Removed and Reserve]

■ 10. Remove and reserve § 250.406.

■ 11. Revise § 250.411 to read as follows:

§ 250.411 What information must I submit with my application?

In addition to forms BSEE–0123 and BSEE–0123S, you must include the information required in this subpart and subpart G of this part, including the following:

Information that you must include with an APD	Where to find a description
(a) Plat that shows locations of the proposed well,	§ 250.412.
(b) Design criteria used for the proposed well,	§ 250.413.
(c) Drilling prognosis,	§ 250.414.
(d) Casing and cementing programs,	§ 250.415.
(e) Diverter systems descriptions,	§ 250.416.
(f) BOP system descriptions,	§ 250.731.
(g) Requirements for using a MODU, and	§ 250.713.
(h) Additional information.	§ 250.418.

■ 12. In § 250.413, revise paragraph (g) to read as follows:

§ 250.413 What must my description of well drilling design criteria address?

* * * * *

(g) A single plot containing curves for estimated pore pressures, formation fracture gradients, proposed drilling fluid weights, planned safe drilling margin, and casing setting depths in true vertical measurements;

* * * * *

■ 13. Amend § 250.414 by:

■ a. Revising paragraphs (c), (h), and (i); and

■ b. Adding paragraphs (j) and (k).

The revisions and additions read as follows:

§ 250.414 What must my drilling prognosis include?

* * * * *

(c) Planned safe drilling margin that is between the estimated pore pressure and the lesser of estimated fracture gradients or casing shoe pressure integrity test and that is based on a risk assessment consistent with expected well conditions and operations.

(1) Your safe drilling margin must also include use of equivalent downhole mud weight that is:

(i) Greater than the estimated pore pressure; and

(ii) Except as provided in paragraph (c)(2) of this section, a minimum of 0.5 pound per gallon below the lower of the casing shoe pressure integrity test or the lowest estimated fracture gradient.

(2) In lieu of meeting the criteria in paragraph (c)(1)(ii) of this section, you may use an equivalent downhole mud weight as specified in your APD, provided that you submit adequate documentation (such as risk modeling

data, off-set well data, analog data, seismic data) to justify the alternative equivalent downhole mud weight.

(3) When determining the pore pressure and lowest estimated fracture gradient for a specific interval, you must consider related off-set well behavior observations.

* * * * *

(h) A list and description of all requests for using alternate procedures or departures from the requirements of this subpart in one place in the APD. You must explain how the alternate procedures afford an equal or greater degree of protection, safety, or performance, or why the departures are requested;

(i) Projected plans for well testing (refer to § 250.460);

(j) The type of wellhead system and liner hanger system to be installed and a descriptive schematic, which includes but is not limited to pressure ratings, dimensions, valves, load shoulders, and locking mechanisms, if applicable; and

(k) Any additional information required by the District Manager needed to clarify or evaluate your drilling prognosis.

■ 14. In § 250.415, revise paragraph (a) to read as follows:

§ 250.415 What must my casing and cementing programs include?

* * * * *

(a) The following well design information:

(1) Hole sizes;

(2) Bit depths (including measured and true vertical depth (TVD));

(3) Casing information, including sizes, weights, grades, collapse and burst values, types of connection, and setting depths (measured and TVD) for all sections of each casing interval; and

(4) Locations of any installed rupture disks (indicate if burst or collapse and rating);

* * * * *

■ 15. Revise § 250.416 to read as follows:

§ 250.416 What must I include in the diverter description?

You must include in the diverter description:

(a) A description of the diverter system and its operating procedures;

(b) A schematic drawing of the diverter system (plan and elevation views) that shows:

(1) The size of the element installed in the diverter housing;

(2) Spool outlet internal diameter(s);

(3) Diverter-line lengths and diameters; burst strengths and radius of curvature at each turn; and

(4) Valve type, size, working pressure rating, and location.

§ 250.417 [Removed and Reserved]

■ 16. Remove and reserve § 250.417.

■ 17. In § 250.418, revise paragraphs (g) and (h), remove paragraph (i), and redesignate paragraph (j) as paragraph (i) to read as follows:

§ 250.418 What additional information must I submit with my APD?

* * * * *

(g) A request for approval, if you plan to wash out or displace cement to facilitate casing removal upon well abandonment. Your request must include a description of how far below the mudline you propose to displace cement and how you will visually monitor returns;

(h) Certification of your casing and cementing program as required in § 250.420(a)(7); and

* * * * *

■ 18. Amend § 250.420 by:

■ a. Revising the introductory text and paragraph (a)(5);

■ b. Redesignating paragraph (a)(6) as paragraph (a)(7);

■ c. Adding new paragraph (a)(6) and paragraph (b)(4); and

■ d. Revising paragraph (c).

The revisions and additions read as follows:

§ 250.420 What well casing and cementing requirements must I meet?

You must case and cement all wells. Your casing and cementing programs must meet the applicable requirements of this subpart and of subpart G of this part.

(a) * * *

(5) Support unconsolidated sediments;

(6) Provide adequate centralization to ensure proper cementation; and

* * * * *

(b) * * *

(4) If you need to substitute a different size, grade, or weight of casing than what was approved in your APD, you must contact the District Manager for approval prior to installing the casing.

* * * * *

(c) *Cementing requirements.* (1) You must design and conduct your cementing jobs so that cement composition, placement techniques, and waiting times ensure that the cement placed behind the bottom 500 feet of casing attains a minimum compressive strength of 500 psi before drilling out the casing or before commencing completion operations. (If a liner is used refer to § 250.421(f)).

(2) You must use a weighted fluid during displacement to maintain an overbalanced hydrostatic pressure during the cement setting time, except when cementing casings or liners in riserless hole sections.

■ 19. In § 250.421, revise paragraphs (b) and (f) to read as follows:

§ 250.421 What are the casing and cementing requirements by type of casing string?

* * * * *

Casing type	Casing requirements	Cementing requirements
* *	* *	* * *
(b) Conductor	Design casing and select setting depths based on relevant engineering and geologic factors. These factors include the presence or absence of hydrocarbons, potential hazards, and water depths. Set casing immediately before drilling into formations known to contain oil or gas. If you encounter oil or gas or unexpected formation pressure before the planned casing point, you must set casing immediately and set it above the encountered zone.	Use enough cement to fill the calculated annular space back to the mudline. Verify annular fill by observing cement returns. If you cannot observe cement returns, use additional cement to ensure fill-back to the mudline. For drilling on an artificial island or when using a well cellar, you must discuss the cement fill level with the District Manager.

Casing type	Casing requirements	Cementing requirements
* * *	* *	* *
(f) Liners	If you use a liner as surface casing, you must set the top of the liner at least 200 feet above the previous casing/liner shoe. If you use a liner as an intermediate string below a surface string or production casing below an intermediate string, you must set the top of the liner at least 100 feet above the previous casing shoe. You may not use a liner as conductor casing A subsea well casing string whose top is above the mudline and that has been cemented back to the mudline will not be considered a liner.	Same as cementing requirements for specific casing types. For example, a liner used as intermediate casing must be cemented according to the cementing requirements for intermediate casing. If you have a liner lap and are unable to cement 500 feet above the previous shoe, as provided by paragraphs (d) and (e) of this section, you must submit and receive approval from the District Manager on a case-by-case basis.

■ 20. Revise § 250.423 to read as follows:

§ 250.423 What are the requirements for casing and liner installation?

You must ensure proper installation of casing in the subsea wellhead or liner in the liner hanger.

(a) You must ensure that the latching mechanisms or lock down mechanisms are engaged upon successfully installing and cementing the casing string. If there is an indication of an inadequate cement job, you must comply with § 250.428(c).

(b) If you run a liner that has a latching mechanism or lock down mechanism, you must ensure that the latching mechanisms or lock down mechanisms are engaged upon successfully installing and cementing the liner. If there is an indication of an inadequate cement job, you must comply with § 250.428(c).

(c) You must perform a pressure test on the casing seal assembly to ensure proper installation of casing or liner. You must perform this test for the intermediate and production casing strings or liners.

(1) You must submit for approval with your APD, test procedures and criteria for a successful test.

(2) You must document all your test results and make them available to BSEE upon request.

§§ 250.424 through 250.426 [Removed and Reserved]

■ 21. Remove and reserve §§ 250.424 through 250.426.

■ 22. In § 250.427, revise paragraph (b) to read as follows:

§ 250.427 What are the requirements for pressure integrity tests?

* * * * *

(b) While drilling, you must maintain the safe drilling margins identified in § 250.414. When you cannot maintain the safe margins, you must suspend drilling operations and remedy the situation.

■ 23. Amend § 250.428 by:

■ a. Revising paragraphs (b) through (d); and

■ b. Adding paragraph (k).

The revisions and addition read as follows:

§ 250.428 What must I do in certain cementing and casing situations?

* * * * *

If you encounter the following situation:	Then you must . . .
* * * *	* * *
(b) Need to change casing setting depths or hole interval drilling depth (for a BHA with an under-reamer, this means bit depth) more than 100 feet true vertical depth (TVD) from the approved APD due to conditions encountered during drilling operations,	Submit those changes to the District Manager for approval and include a certification by a professional engineer (PE) that he or she reviewed and approved the proposed changes.
(c) Have indication of inadequate cement job (such as lost returns, no cement returns to mudline or expected height, cement channeling, or failure of equipment),	(1) Locate the top of cement by: (i) Running a temperature survey; (ii) Running a cement evaluation log; or (iii) Using a combination of these techniques. (2) Determine if your cement job is inadequate. If your cement job is determined to be inadequate, refer to paragraph (d) of this section. (3) If your cement job is determined to be adequate, report the results to the District Manager in your submitted WAR.
(d) Inadequate cement job,	Take remedial actions. The District Manager must review and approve all remedial actions before you may take them, unless immediate actions must be taken to ensure the safety of the crew or to prevent a well-control event. If you complete any immediate action to ensure the safety of the crew or to prevent a well-control event, submit a description of the action to the District Manager when that action is complete. Any changes to the well program will require submittal of a certification by a professional engineer (PE) certifying that he or she reviewed and approved the proposed changes, and must meet any other requirements of the District Manager.

If you encounter the following situation:	Then you must . . .
* * * *	* * *
(k) Plan to use a valve(s) on the drive pipe during cementing operations for the conductor casing, surface casing, or liner,	Include a description of the plan in your APD. Your description must include a schematic of the valve and height above the water line. The valve must be remotely operated and full opening with visual observation while taking returns. The person in charge of observing returns must be in communication with the drill floor. You must record in your daily report and in the WAR if cement returns were observed. If cement returns are not observed, you must contact the District Manager and obtain approval of proposed plans to locate the top of cement before continuing with operations.

§§ 250.440 through 250.451 [Removed and Reserved]

■ 24. Remove the undesignated center heading "Blowout Preventer (BOP) System Requirements" and remove and reserve §§ 250.440 through 250.451.

§ 250.456 [Amended]

■ 25. Amend § 250.456:

■ a. In paragraph (i), by adding the word "and" after the semicolon;

■ b. By removing paragraph (j); and

■ c. By redesignating paragraph (k) as paragraph (j).

■ 26. Revise § 250.462 to read as follows:

§ 250.462 What are the source control, containment, and collocated equipment requirements?

For drilling operations using a subsea BOP or surface BOP on a floating facility, you must have the ability to control or contain a blowout event at the sea floor.

(a) To determine your required source control and containment capabilities you must do the following:

(1) Consider a scenario of the wellbore fully evacuated to reservoir fluids, with no restrictions in the well.

(2) Evaluate the performance of the well as designed to determine if a full shut-in can be achieved without having reservoir fluids broach to the sea floor. If your evaluation indicates that the well can only be partially shut-in, then you must determine your ability to flow and capture the residual fluids to a surface production and storage system.

(b) You must have access to and the ability to deploy Source Control and Containment Equipment (SCCE) and all other necessary supporting and collocated equipment to regain control of the well. SCCE means the capping stack, cap-and-flow system, containment dome, and/or other subsea and surface devices, equipment, and vessels, which have the collective purpose to control a spill source and stop the flow of fluids into the environment or to contain fluids escaping into the environment. This SCCE, supporting equipment, and collocated equipment must include, but is not limited to, the following:

(1) Subsea containment and capture equipment, including containment domes and capping stacks;

(2) Subsea utility equipment including hydraulic power sources and hydrate control equipment;

(3) Collocated equipment including dispersant injection equipment;

(4) Riser systems;

(5) Remotely operated vehicles (ROVs);

(6) Capture vessels;

(7) Support vessels; and

(8) Storage facilities.

(c) You must submit a description of your source control and containment capabilities to the Regional Supervisor and receive approval before BSEE will approve your APD, Form BSEE–0123. The description of your containment capabilities must contain the following:

(1) Your source control and containment capabilities for controlling and containing a blowout event at the seafloor;

(2) A discussion of the determination required in paragraph (a) of this section; and

(3) Information showing that you have access to and the ability to deploy all equipment required by paragraph (b) of this section.

(d) You must contact the District Manager and Regional Supervisor for reevaluation of your source control and containment capabilities if your:

(1) Well design changes; or

(2) Approved source control and containment equipment is out of service.

(e) You must maintain, test, and inspect the source control, containment, and collocated equipment identified in the following table according to these requirements:

Equipment	Requirements, you must:	Additional information
(1) Capping stacks, ...	(i) Function test all pressure containing critical components on a quarterly frequency (not to exceed 104 days between tests),	Pressure containing critical components are those components that will experience wellbore pressure during a shut-in after being functioned.
	(ii) Pressure test pressure containing critical components on a bi-annual basis, but not later than 210 days from the last pressure test. All pressure testing must be witnessed by BSEE (if available) and a BSEE-approved verification organization.	Pressure containing critical components are those components that will experience wellbore pressure during a shut-in. These components include, but are not limited to: All blind rams, wellhead connectors, and outlet valves.
	(iii) Notify BSEE at least 21 days prior to commencing any pressure testing.	
(2) Production safety systems used for flow and capture operations,	(i) Meet or exceed the requirements set forth in §§ 250.800 through 250.808, excluding required equipment that would be installed below the wellhead or that is not applicable to the cap and flow system.	
	(ii) Have all equipment unique to containment operations available for inspection at all times.	
(3) Subsea utility equipment,	Have all referenced containment equipment available for inspection at all times.	Subsea utility equipment includes, but is not limited to: Hydraulic power sources, debris removal, and hydrate control equipment.

Equipment	Requirements, you must:	Additional information
(4) Collocated equipment, ...	Have equipment available for inspection at all times	Collocated equipment includes, but is not limited to, dispersant injection equipment and other subsea control equipment.

■ 27. In § 250.465, revise paragraph (b)(3) to read as follows:

§ 250.465 When must I submit an Application for Permit to Modify (APM) or an End of Operations Report to BSEE?

* * * * *

(b) * * *

(3) Within 30 days after completing this work, you must submit an End of Operations Report (EOR), Form BSEE–0125, as required under § 250.744.

§§ 250.466 through 250.469 [Removed and Reserved]

■ 28. Remove and reserve §§ 250.466 through 250.469.

Subpart E—Oil and Gas Well-Completion Operations

■ 29. Revise § 250.500 to read as follows:

§ 250.500 General requirements.

Well-completion operations must be conducted in a manner to protect against harm or damage to life (including fish and other aquatic life), property, natural resources of the OCS, including any mineral deposits (in areas leased and not leased), the National security or defense, or the marine, coastal, or human environment. In addition to the requirements of this subpart, you must also follow the applicable requirements of subpart G of this part.

§§ 250.502 and 250.506 [Removed and Reserved]

■ 30. Remove and reserve §§ 250.502 and 250.506.

■ 31. In § 250.513, revise paragraph (b)(4) to read as follows:

§ 250.513 Approval and reporting of well-completion operations.

* * * * *

(b) * * *

(4) All applicable information required in § 250.731.

* * * * *

§ 250.514 [Amended]

■ 32. In § 250.514, remove paragraph (d).

§§ 250.515 through 250.517 [Removed and Reserved]

■ 33. Remove and reserve §§ 250.515 through 250.517.

■ 34. Amend § 250.518 by:

■ a. Removing paragraph (b);

■ b. Redesignating paragraphs (c) through (e) as paragraphs (b) through (d); and

■ c. Adding new paragraph (e) and paragraph (f).

The additions read as follows:

§ 250.518 Tubing and wellhead equipment.

* * * * *

(e) When installed, packers and bridge plugs must meet the following:

(1) All permanently installed packers and bridge plugs must comply with API Spec. 11D1 (as incorporated by reference in § 250.198);

(2) The production packer must be set at a depth that will allow for a column of weighted fluids to be placed above the packer that will exert a hydrostatic force greater than or equal to the force created by the reservoir pressure below the packer;

(3) The production packer must be set as close as practically possible to the perforated interval; and

(4) The production packer must be set at a depth that is within the cemented interval of the selected casing section.

(f) Your APM must include a description and calculations for how you determined the production packer setting depth.

Subpart F—Oil and Gas Well-Workover Operations

■ 35. Revise § 250.600 to read as follows:

§ 250.600 General requirements.

Well-workover operations must be conducted in a manner to protect against harm or damage to life (including fish and other aquatic life), property, natural resources of the Outer Continental Shelf (OCS) including any mineral deposits (in areas leased and not leased), the National security or defense, or the marine, coastal, or human environment. In addition to the requirements of this subpart, you must also follow the applicable requirements of subpart G of this part.

§ 250.602 [Removed and Reserved]

■ 36. Remove and reserve § 250.602.

§ 250.606 [Removed and Reserved]

■ 37. Remove and reserve § 250.606.

■ 38. In § 250.613, revise paragraph (b)(3) to read as follows:

§ 250.613 Approval and reporting for well-workover operations.

* * * * *

(b) * * *

(3) All information required in § 250.731.

* * * * *

§ 250.614 [Amended]

■ 39. In § 250.614, remove paragraph (d).

§ 250.615 [Removed and Reserved]

■ 40. Remove and reserve § 250.615.

■ 41. Amend § 250.616 by:

■ a. Revising the section heading;

■ b. Removing paragraphs (a) through (e); and

■ c. Redesignating paragraphs (f) through (h) as paragraphs (a) through (c).

The revision reads as follows:

§ 250.616 Coiled tubing and snubbing operations.

* * * * *

§§ 250.617 and 250.618 [Removed and Reserved]

■ 42. Remove and reserve §§ 250.617 and 250.618.

■ 43. Amend § 250.619 by:

■ a. Removing paragraph (b);

■ b. Redesignating paragraphs (c) through (e) as paragraphs (b) through (d); and

■ c. Adding new paragraph (e) and paragraph (f).

The additions read as follows:

§ 250.619 Tubing and wellhead equipment.

* * * * *

(e) If you pull and reinstall packers and bridge plugs, you must meet the following requirements:

(1) All permanently installed packers and bridge plugs must comply with API Spec. 11D1 (as incorporated by reference in § 250.198);

(2) The production packer must be set at a depth that will allow for a column of weighted fluids to be placed above the packer that will exert a hydrostatic force greater than or equal to the force created by the reservoir pressure below the packer;

(3) The production packer must be set as close as practically possible to the perforated interval; and

(4) The production packer must be set at a depth that is within the cemented interval of the selected casing section.

(f) Your APM must include a description and calculations for how you determined the production packer setting depth.

■ 44. Add subpart G to read as follows:

Subpart G—Well Operations and Equipment

General Requirements

Sec.

250.700 What operations and equipment does this subpart cover?
250.701 May I use alternate procedures or equipment during operations?
250.702 May I obtain departures from these requirements?
250.703 What must I do to keep wells under control?

Rig Requirements

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250.711 What are the requirements for well-control drills?
250.712 What rig unit movements must I report?
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250.720 When and how must I secure a well?
250.721 What are the requirements for pressure testing casing and liners?
250.722 What are the requirements for prolonged operations in a well?
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250.730 What are the general requirements for BOP systems and system components?
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250.735 What associated systems and related equipment must all BOP systems include?
250.736 What are the requirements for choke manifolds, kelly-type valves inside BOPs, and drill string safety valves?
250.737 What are the BOP system testing requirements?
250.738 What must I do in certain situations involving BOP equipment or systems?
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Records and Reporting

250.740 What records must I keep?
250.741 How long must I keep records?
250.742 What well records am I required to submit?
250.743 What are the well activity reporting requirements?
250.744 What are the end of operation reporting requirements?
250.745 What other well records could I be required to submit?
250.746 What are the recordkeeping requirements for casing, liner, and BOP tests, and inspections of BOP systems and marine risers?

Subpart G—Well Operations and Equipment

General Requirements

§ 250.700 What operations and equipment does this subpart cover?

This subpart covers operations and equipment associated with drilling, completion, workover, and decommissioning activities. This subpart includes regulations applicable to drilling, completion, workover, and decommissioning activities in addition to applicable regulations contained in subparts D, E, F, and Q of this part unless explicitly stated otherwise.

§ 250.701 May I use alternate procedures or equipment during operations?

You may use alternate procedures or equipment during operations after receiving approval as described in § 250.141. You must identify and discuss your proposed alternate procedures or equipment in your Application for Permit to Drill (APD) (Form BSEE–0123) (see § 250.414(h)) or your Application for Permit to Modify (APM) (Form BSEE–0124). Procedures for obtaining approval of alternate procedures or equipment are described in § 250.141.

§ 250.702 May I obtain departures from these requirements?

You may apply for a departure from these requirements as described in § 250.142. Your request must include a justification showing why the departure is necessary. You must identify and discuss the departure you are requesting in your APD (see § 250.414(h)) or your APM.

§ 250.703 What must I do to keep wells under control?

You must take the necessary precautions to keep wells under control at all times, including:

(a) Use recognized engineering practices to reduce risks to the lowest level practicable when monitoring and evaluating well conditions and to minimize the potential for the well to flow or kick;

(b) Have a person onsite during operations who represents your interests and can fulfill your responsibilities;

(c) Ensure that the toolpusher, operator's representative, or a member of the rig crew maintains continuous surveillance on the rig floor from the beginning of operations until the well is completed or abandoned, unless you have secured the well with blowout preventers (BOPs), bridge plugs, cement plugs, or packers;

(d) Use personnel trained according to the provisions of subparts O and S of this part;

(e) Use and maintain equipment and materials necessary to ensure the safety and protection of personnel, equipment, natural resources, and the environment; and

(f) Use equipment that has been designed, tested, and rated for the maximum environmental and operational conditions to which it may be exposed while in service.

Rig Requirements

§ 250.710 What instructions must be given to personnel engaged in well operations?

Prior to engaging in well operations, personnel must be instructed in:

(a) *Hazards and safety requirements.* You must instruct your personnel regarding the safety requirements for the operations to be performed, possible hazards to be encountered, and general safety considerations to protect personnel, equipment, and the environment as required by subpart S of this part. The date and time of safety meetings must be recorded and available at the facility for review by BSEE representatives.

(b) *Well control.* You must prepare a well-control plan for each well. Each well-control plan must contain instructions for personnel about the use of each well-control component of your BOP, procedures that describe how personnel will seal the wellbore and shear pipe before maximum anticipated surface pressure (MASP) conditions are exceeded, assignments for each crew member, and a schedule for completion of each assignment. You must keep a copy of your well-control plan on the rig at all times, and make it available to BSEE upon request. You must post a copy of the well-control plan on the rig floor.

§ 250.711 What are the requirements for well-control drills?

You must conduct a weekly well-control drill with all personnel engaged in well operations. Your drill must familiarize personnel engaged in well operations with their roles and functions so that they can perform their duties promptly and efficiently as outlined in the well-control plan required by § 250.710.

(a) *Timing of drills.* You must conduct each drill during a period of activity that minimizes the risk to operations. The timing of your drills must cover a range of different operations, including drilling with a diverter, on-bottom drilling, and tripping. The same drill may not be repeated consecutively with the same crew.

(b) *Recordkeeping requirements.* For each drill, you must record the following in the daily report:

(1) Date, time, and type of drill conducted;

(2) The amount of time it took to be ready to close the diverter or use each well-control component of BOP system; and

(3) The total time to complete the entire drill.

(c) *A BSEE ordered drill.* A BSEE representative may require you to conduct a well-control drill during a BSEE inspection. The BSEE representative will consult with your onsite representative before requiring the drill.

§ 250.712 What rig unit movements must I report?

(a) You must report the movement of all rig units on and off locations to the District Manager using Form BSEE–0144, Rig Movement Notification Report. Rig units include MODUs, platform rigs, snubbing units, wire-line units used for non-routine operations, and coiled tubing units. You must inform the District Manager 24 hours before:

(1) The arrival of a rig unit on location;

(2) The movement of a rig unit to another slot. For movements that will occur less than 24 hours after initially moving onto location (*e.g.*, coiled tubing and batch operations), you may include your anticipated movement schedule on Form BSEE–0144; or

(3) The departure of a rig unit from the location.

(b) You must provide the District Manager with the rig name, lease number, well number, and expected time of arrival or departure.

(c) If a MODU or platform rig is to be warm or cold stacked, you must inform the District Manager:

(1) Where the MODU or platform rig is coming from;

(2) The location where the MODU or platform rig will be positioned;

(3) Whether the MODU or platform rig will be manned or unmanned; and

(4) If the location for stacking the MODU or platform rig changes.

(d) Prior to resuming operations after stacking, you must notify the appropriate District Manager of any construction, repairs, or modifications associated with the drilling package made to the MODU or platform rig.

(e) If a drilling rig is entering OCS waters, you must inform the District Manager where the drilling rig is coming from.

(f) If you change your anticipated date for initially moving on or off location by more than 24 hours, you must submit an updated Form BSEE–0144, Rig Movement Notification Report.

§ 250.713 What must I provide if I plan to use a mobile offshore drilling unit (MODU) for well operations?

If you plan to use a MODU for well operations, you must provide:

(a) *Fitness requirements.* Information and data to demonstrate the MODU's capability to perform at the proposed location. This information must include the maximum environmental and operational conditions that the MODU is designed to withstand, including the minimum air gap necessary for both hurricane and non-hurricane seasons. If sufficient environmental information and data are not available at the time you submit your APD or APM, the District Manager may approve your APD or APM, but require you to collect and report this information during operations. Under this circumstance, the District Manager may revoke the approval of the APD or APM if information collected during operations shows that the MODU is not capable of performing at the proposed location.

(b) *Foundation requirements.* Information to show that site-specific soil and oceanographic conditions are capable of supporting the proposed bottom-founded MODU. If you provided sufficient site-specific information in your EP, DPP, or DOCD submitted to BOEM, you may reference that information. The District Manager may require you to conduct additional surveys and soil borings before approving the APD or APM if additional information is needed to make a determination that the conditions are capable of supporting the MODU, or equipment installed on a subsea wellhead. For a moored rig, you must submit a plat of the rig's anchor pattern approved in your EP, DPP, or DOCD in your APD or APM.

(c) *For frontier areas.* (1) If the design of the MODU you plan to use in a frontier area is unique or has not been proven for use in the proposed environment, the District Manager may require you to submit a third-party review of the MODU design. If required, you must obtain a third-party review of your MODU similar to the process outlined in §§ 250.915 through 250.918. You may submit this information before submitting an APD or APM.

(2) If you plan to conduct operations in a frontier area, you must have a contingency plan that addresses design and operating limitations of the MODU. Your plan must identify the actions necessary to maintain safety and prevent damage to the environment. Actions must include the suspension, curtailment, or modification of operations to remedy various operational or environmental situations (*e.g.*, vessel motion, riser offset, anchor tensions, wind speed, wave height, currents, icing or ice-loading, settling, tilt or lateral movement, resupply capability).

(d) *Additional documentation.* You must provide the current Certificate of Inspection (for U.S.-flag vessels) or Certificate of Compliance (for foreign-flag vessels) from the USCG and Certificate of Classification. You must also provide current documentation of any operational limitations imposed by an appropriate classification society.

(e) *Dynamically positioned MODU.* If you use a dynamically positioned MODU, you must include in your APD or APM your contingency plan for moving off location in an emergency situation. At a minimum, your plan must address emergency events caused by storms, currents, station-keeping failures, power failures, and losses of well control. The District Manager may require your plan to include additional events that may require movement of the MODU and other information needed to clarify or further address how the MODU will respond to emergencies or other events.

(f) *Inspection of MODU.* The MODU must be available for inspection by the District Manager before commencing operations and at any time during operations.

(g) *Current monitoring.* For water depths greater than 400 meters (1,312 feet), you must include in your APD or APM:

(1) A description of the specific current speeds that will cause you to implement rig shutdown, move-off procedures, or both; and

(2) A discussion of the specific measures you will take to curtail rig operations and move off location when such currents are encountered. You may use criteria, such as current velocities, riser angles, watch circles, and remaining rig power to describe when these procedures or measures will be implemented.

§ 250.714 Do I have to develop a dropped objects plan?

If you use a floating rig unit in an area with subsea infrastructure, you must develop a dropped objects plan and make it available to BSEE upon request. This plan must be updated as the infrastructure on the seafloor changes. Your plan must include:

(a) A description and plot of the path the rig will take while running and pulling the riser;

(b) A plat showing the location of any subsea wells, production equipment, pipelines, and any other identified debris;

(c) Modeling of a dropped object's path with consideration given to metocean conditions for various material forms, such as a tubular (*e.g.*, riser or casing) and box (*e.g.*, BOP or tree);

(d) Communications, procedures, and delegated authorities established with the production host facility to shut-in any active subsea wells, equipment, or pipelines in the event of a dropped object; and

(e) Any additional information required by the District Manager as appropriate to clarify, update, or evaluate your dropped objects plan.

§ 250.715 Do I need a global positioning system (GPS) for all MODUs?

All MODUs must have a minimum of two functioning GPS transponders at all times, and you must provide to BSEE real-time access to the GPS data prior to and during each hurricane season.

(a) The GPS must be capable of monitoring the position and tracking the path in real-time if the MODU moves from its location during a severe storm.

(b) You must install and protect the tracking system's equipment to minimize the risk of the system being disabled.

(c) You must place the GPS transponders in different locations for redundancy to minimize risk of system failure.

(d) Each GPS transponder must be capable of transmitting data for at least 7 days after a storm has passed.

(e) If the MODU is moved off location in the event of a storm, you must immediately begin to record the GPS location data.

(f) You must contact the Regional Office and allow real-time access to the MODU location data. When you contact the Regional Office, provide the following:

(1) Name of the lessee and operator with contact information;

(2) MODU name;

(3) Initial date and time; and

(4) How you will provide GPS real-time access.

Well Operations

§ 250.720 When and how must I secure a well?

(a) Whenever you interrupt operations, you must notify the District Manager. Before moving off the well, you must have two independent barriers installed, at least one of which must be a mechanical barrier, as approved by the District Manager. You must install the barriers at appropriate depths within a properly cemented casing string or liner. Before removing a subsea BOP stack or surface BOP stack on a mudline suspension well, you must conduct a negative pressure test in accordance with § 250.721.

(1) The events that would cause you to interrupt operations and notify the District Manager include, but are not limited to, the following:

(i) Evacuation of the rig crew;

(ii) Inability to keep the rig on location;

(iii) Repair to major rig or well-control equipment; or

(iv) Observed flow outside the well's casing (e.g., shallow water flow or bubbling).

(2) The District Manager may approve alternate procedures or barriers, in accordance with § 250.141, if you do not have time to install the required barriers or if special circumstances occur.

(b) Before you displace kill-weight fluid from the wellbore and/or riser, thereby creating an underbalanced state, you must obtain approval from the District Manager. To obtain approval, you must submit with your APD or APM your reasons for displacing the kill-weight fluid and provide detailed step-by-step written procedures describing how you will safely displace these fluids. The step-by-step displacement procedures must address the following:

(1) Number and type of independent barriers, as described in § 250.420(b)(3), that are in place for each flow path that requires such barriers;

(2) Tests you will conduct to ensure integrity of independent barriers;

(3) BOP procedures you will use while displacing kill-weight fluids; and

(4) Procedures you will use to monitor the volumes and rates of fluids entering and leaving the wellbore.

§ 250.721 What are the requirements for pressure testing casing and liners?

(a) You must test each casing string that extends to the wellhead according to the following table:

Casing type	Minimum test pressure
(1) Drive or Structural,	Not required.
(2) Conductor, excluding subsea wellheads,	250 psi.
(3) Surface, Intermediate, and Production,	70 percent of its minimum internal yield.

(b) You must test each drilling liner and liner-top to a pressure at least equal to the anticipated leak-off pressure of the formation below that liner shoe, or subsequent liner shoes if set. You must conduct this test before you continue operations in the well.

(c) You must test each production liner and liner-top to a minimum of 500 psi above the formation fracture pressure at the casing shoe into which the liner is lapped.

(d) The District Manager may approve or require other casing test pressures as appropriate under the circumstances to ensure casing integrity.

(e) If you plan to produce a well, you must:

(1) For a well that is fully cased and cemented, pressure test the entire well to maximum anticipated shut-in tubing pressure, not to exceed 70% of the burst rating limit of the weakest component before perforating the casing or liner; or

(2) For an open-hole completion, pressure test the entire well to maximum anticipated shut-in tubing pressure, not to exceed 70% of the burst rating limit of the weakest component before you drill the open-hole section.

(f) You may not resume operations until you obtain a satisfactory pressure test. If the pressure declines more than 10 percent in a 30-minute test, or if there is another indication of a leak, you must submit to the District Manager for approval your proposed plans to re-cement, repair the casing or liner, or run additional casing/liner to provide a proper seal. Your submittal must include a PE certification of your proposed plans.

(g) You must perform a negative pressure test on all wells that use a subsea BOP stack or wells with mudline suspension systems.

(1) You must perform a negative pressure test on your final casing string

or liner. This test must be conducted after setting your second barrier just above the shoe track, but prior to conducting any completion operations.

(2) You must perform a negative pressure test prior to unlatching the BOP at any point in the well. The negative pressure test must be performed on those components, at a minimum, that will be exposed to the negative differential pressure that will occur when the BOP is disconnected.

(3) The District Manager may require you to perform additional negative pressure tests on other casing strings or liners (e.g., intermediate casing string or liner) or on wells with a surface BOP stack as appropriate to demonstrate casing or liner integrity.

(4) You must submit for approval with your APD or APM, test procedures and criteria for a successful negative pressure test. If any of your test procedures or criteria for a successful test change, you must submit for approval the changes in a revised APD or APM.

(5) You must document all your test results and make them available to BSEE upon request.

(6) If you have any indication of a failed negative pressure test, such as, but not limited to, pressure buildup or observed flow, you must immediately investigate the cause. If your investigation confirms that a failure occurred during the negative pressure test, you must:

(i) Correct the problem and immediately notify the appropriate District Manager; and

(ii) Submit a description of the corrective action taken and receive approval from the appropriate District Manager for the retest.

(7) You must have two barriers in place, as described in § 250.420(b)(3), at any time and for any well, prior to performing the negative pressure test.

(8) You must include documentation of the successful negative pressure test in the End-of-Operations Report (Form BSEE–0125).

§ 250.722 What are the requirements for prolonged operations in a well?

If wellbore operations continue within a casing or liner for more than 30 days from the previous pressure test of the well's casing or liner, you must:

(a) Stop operations as soon as practicable, and evaluate the effects of the prolonged operations on continued operations and the life of the well. At a minimum, you must:

(1) Evaluate the well casing with a pressure test, caliper tool, or imaging tool. On a case-by-case basis, the District Manager may require a specific method of evaluation of the effects on the well casing of prolonged operations; and

(2) Report the results of your evaluation to the District Manager and obtain approval of those results before resuming operations. Your report must include calculations that show the well's integrity is above the minimum safety factors, if an imaging tool or caliper is used.

(b) If well integrity has deteriorated to a level below minimum safety factors, you must:

(1) Obtain approval from the District Manager to begin repairs or install additional casing. To obtain approval, you must also provide a PE certification showing that he or she reviewed and approved the proposed changes;

(2) Repair the casing or run another casing string; and

(3) Perform a pressure test after the repairs are made or additional casing is installed and report the results to the District Manager as specified in § 250.721.

§ 250.723 What additional safety measures must I take when I conduct operations on a platform that has producing wells or has other hydrocarbon flow?

You must take the following safety measures when you conduct operations with a rig unit or lift boat on or jacked-up over a platform with producing wells or that has other hydrocarbon flow:

(a) The movement of rig units and related equipment on and off a platform or from well to well on the same platform, including rigging up and rigging down, must be conducted in a safe manner;

(b) You must install an emergency shutdown station for the production system near the rig operator's console;

(c) You must shut-in all producible wells located in the affected wellbay below the surface and at the wellhead when:

(1) You move a rig unit or related equipment on and off a platform. This includes rigging up and rigging down activities within 500 feet of the affected platform;

(2) You move or skid a rig unit between wells on a platform; or

(3) A MODU or lift boat moves within 500 feet of a platform. You may resume production once the MODU or lift boat is in place, secured, and ready to begin operations.

(d) All wells in the same well-bay which are capable of producing hydrocarbons must be shut-in below the surface with a pump-through-type tubing plug and at the surface with a closed master valve prior to moving rig units and related equipment, unless otherwise approved by the District Manager.

(1) A closed surface-controlled subsurface safety valve of the pump-through-type may be used in lieu of the pump-through-type tubing plug provided that the surface control has been locked out of operation.

(2) The well to which a rig unit or related equipment is to be moved must be equipped with a back-pressure valve prior to removing the tree and installing and testing the BOP system.

(3) The well from which a rig unit or related equipment is to be moved must be equipped with a back pressure valve prior to removing the BOP system and installing the production tree.

(e) Coiled tubing units, snubbing units, or wireline units may be moved onto and off of a platform without shutting in wells.

§ 250.724 What are the real-time monitoring requirements?

(a) No later than April 29, 2019, when conducting well operations with a subsea BOP or with a surface BOP on a floating facility, or when operating in an high pressure high temperature (HPHT) environment, you must gather and monitor real-time well data using an independent, automatic, and continuous monitoring system capable of recording, storing, and transmitting data regarding the following:

(1) The BOP control system;

(2) The well's fluid handling system on the rig; and

(3) The well's downhole conditions with the bottom hole assembly tools (if any tools are installed).

(b) You must transmit these data as they are gathered, barring unforeseeable or unpreventable interruptions in transmission, and have the capability to monitor the data onshore, using qualified personnel in accordance with a real-time monitoring plan, as provided in paragraph (c) of this section. Onshore personnel who monitor real-time data must have the capability to contact rig personnel during operations. After operations, you must preserve and store these data onshore for recordkeeping purposes as required in §§ 250.740 and 250.741. You must provide BSEE with access to your designated real-time monitoring data onshore upon request. You must include in your APD a certification that you have a real-time monitoring plan that meets the criteria in paragraph (c) of this section.

(c) You must develop and implement a real-time monitoring plan. Your real-time monitoring plan, and all real-time monitoring data, must be made available to BSEE upon request. Your real-time monitoring plan must include the following:

(1) A description of your real-time monitoring capabilities, including the types of the data collected;

(2) A description of how your real-time monitoring data will be transmitted onshore during operations, how the data will be labeled and monitored by qualified onshore personnel, and how it will be stored onshore;

(3) A description of your procedures for providing BSEE access, upon request, to your real-time monitoring data including, if applicable, the location of any onshore data monitoring or data storage facilities;

(4) The qualifications of the onshore personnel monitoring the data;

(5) Your procedures for, and methods of, communication between rig personnel and the onshore monitoring personnel; and

(6) Actions to be taken if you lose any real-time monitoring capabilities or communications between rig and onshore personnel, and a protocol for how you will respond to any significant and/or prolonged interruption of monitoring or onshore-offshore communications, including your protocol for notifying BSEE of any significant and/or prolonged interruptions.

Blowout Preventer (BOP) System Requirements

§ 250.730 What are the general requirements for BOP systems and system components?

(a) You must ensure that the BOP system and system components are designed, installed, maintained, inspected, tested, and used properly to ensure well control. The working-pressure rating of each BOP component (excluding annular(s)) must exceed MASP as defined for the operation. For a subsea BOP, the MASP must be taken at the mudline. The BOP system includes the BOP stack, control system, and any other associated system(s) and equipment. The BOP system and individual components must be able to perform their expected functions and be compatible with each other. Your BOP system (excluding casing shear) must be capable of closing and sealing the wellbore at all times, including under anticipated flowing conditions for the specific well conditions, without losing ram closure time and sealing integrity due to the corrosiveness, volume, and abrasiveness of any fluids in the wellbore that the BOP system may encounter. Your BOP system must meet the following requirements:

(1) The BOP requirements of API Standard 53 (incorporated by reference in § 250.198) and the requirements of §§ 250.733 through 250.739. If there is a conflict between API Standard 53, and the requirements of this subpart, you must follow the requirements of this subpart.

(2) Those provisions of the following industry standards (all incorporated by reference in § 250.198) that apply to BOP systems:

(i) ANSI/API Spec. 6A;
(ii) ANSI/API Spec. 16A;
(iii) ANSI/API Spec. 16C;
(iv) API Spec. 16D; and
(v) ANSI/API Spec. 17D.

(3) For surface and subsea BOPs, the pipe and variable bore rams installed in the BOP stack must be capable of effectively closing and sealing on the tubular body of any drill pipe, workstring, and tubing (excluding tubing with exterior control lines and flat packs) in the hole under MASP, as defined for the operation, with the proposed regulator settings of the BOP control system.

(4) The current set of approved schematic drawings must be available on the rig and at an onshore location. If you make any modifications to the BOP or control system that will change your BSEE-approved schematic drawings, you must suspend operations until you obtain approval from the District Manager.

(b) You must ensure that the design, fabrication, maintenance, and repair of your BOP system is in accordance with the requirements contained in this part, Original Equipment Manufacturers (OEM) recommendations unless otherwise directed by BSEE, and recognized engineering practices. The training and qualification of repair and maintenance personnel must meet or exceed any OEM training recommendations unless otherwise directed by BSEE.

(c) You must follow the failure reporting procedures contained in API Standard 53, ANSI/API Spec. 6A, and ANSI/API Spec 16A (all incorporated by reference in § 250.198), and:

(1) You must provide a written notice of equipment failure to the Chief, Office of Offshore Regulatory Programs, and the manufacturer of such equipment within 30 days after the discovery and identification of the failure. A failure is any condition that prevents the equipment from meeting the functional specification.

(2) You must ensure that an investigation and a failure analysis are performed within 120 days of the failure to determine the cause of the failure. You must also ensure that the results and any corrective action are documented. If the investigation and analysis are performed by an entity other than the manufacturer, you must ensure that the Chief, Office of Offshore Regulatory Programs and the manufacturer receive a copy of the analysis report.

(3) If the equipment manufacturer notifies you that it has changed the design of the equipment that failed or if you have changed operating or repair procedures as a result of a failure, then you must, within 30 days of such changes, report the design change or modified procedures in writing to the Chief, Office of Offshore Regulatory Programs.

(4) You must send the reports required in this paragraph to: Chief, Office of Offshore Regulatory Programs; Bureau of Safety and Environmental Enforcement; 45600 Woodland Road, Sterling, VA 20166.

(d) If you plan to use a BOP stack manufactured after the effective date of this regulation, you must use one manufactured pursuant to an API Spec. Q1 (as incorporated by reference in § 250.198) quality management system. Such quality management system must be certified by an entity that meets the requirements of ISO 17011.

(1) BSEE may consider accepting equipment manufactured under quality assurance programs other than API Spec. Q1, provided you submit a request to the Chief, Office of Offshore Regulatory Programs for approval, containing relevant information about the alternative program.

(2) You must submit this request to the Chief, Office of Offshore Regulatory Programs; Bureau of Safety and Environmental Enforcement; 45600 Woodland Road, Sterling, Virginia 20166.

§ 250.731 What information must I submit for BOP systems and system components?

For any operation that requires the use of a BOP, you must include the information listed in this section with your applicable APD, APM, or other submittal. You are required to submit this information only once for each well, unless the information changes from what you provided in an earlier approved submission or you have moved off location from the well. After you have submitted this information for a particular well, subsequent APMs or other submittals for the well should reference the approved submittal containing the information required by this section and confirm that the information remains accurate and that you have not moved off location from that well. If the information changes or you have moved off location from the well, you must submit updated information in your next submission.

You must submit:	Including:
(a) A complete description of the BOP system and system components,	(1) Pressure ratings of BOP equipment; (2) Proposed BOP test pressures (for subsea BOPs, include both surface and corresponding subsea pressures); (3) Rated capacities for liquid and gas for the fluid-gas separator system; (4) Control fluid volumes needed to close, seal, and open each component; (5) Control system pressure and regulator settings needed to achieve an effective seal of each ram BOP under MASP as defined for the operation; (6) Number and volume of accumulator bottles and bottle banks (for subsea BOP, include both surface and subsea bottles); (7) Accumulator pre-charge calculations (for subsea BOP, include both surface and subsea calculations); (8) All locking devices; and (9) Control fluid volume calculations for the accumulator system (for a subsea BOP system, include both the surface and subsea volumes).
(b) Schematic drawings,	(1) The inside diameter of the BOP stack; (2) Number and type of preventers (including blade type for shear ram(s)); (3) All locking devices; (4) Size range for variable bore ram(s); (5) Size of fixed ram(s); (6) All control systems with all alarms and set points labeled, including pods; (7) Location and size of choke and kill lines (and gas bleed line(s) for subsea BOP); (8) Associated valves of the BOP system; (9) Control station locations; and (10) A cross-section of the riser for a subsea BOP system showing number, size, and labeling of all control, supply, choke, and kill lines down to the BOP.
(c) Certification by a BSEE-approved verification organization (BAVO),	Verification that: (1) Test data demonstrate the shear ram(s) will shear the drill pipe at the water depth as required in § 250.732; (2) The BOP was designed, tested, and maintained to perform under the maximum environmental and operational conditions anticipated to occur at the well; and (3) The accumulator system has sufficient fluid to operate the BOP system without assistance from the charging system.
(d) Additional certification by a BAVO, if you use a subsea BOP, a BOP in an HPHT environment as defined in § 250.807, or a surface BOP on a floating facility,	Verification that: (1) The BOP stack is designed and suitable for the specific equipment on the rig and for the specific well design; (2) The BOP stack has not been compromised or damaged from previous service; and (3) The BOP stack will operate in the conditions in which it will be used.
(e) If you are using a subsea BOP, descriptions of autoshear, deadman, and emergency disconnect sequence (EDS) systems,	A listing of the functions with their sequences and timing.
(f) Certification stating that the MIA Report required in § 250.732(d) has been submitted within the past 12 months for a subsea BOP, a BOP being used in an HPHT environment as defined in § 250.807, or a surface BOP on a floating facility.	

§ 250.732 What are the BSEE-approved verification organization (BAVO) requirements for BOP systems and system components?

(a) BSEE will maintain a list of BSEE-approved verification organizations (BAVOs) on its public website that you must use to satisfy any provision in this subpart that requires a BAVO certification, verification, report, or review. You must comply with all requirements in this subpart for BAVO certification, verification, or reporting no later than 1 year from the date BSEE publishes a list of BAVOs.

(1) Until such time as you use a BAVO to perform the actions that this subpart requires to be performed by a BAVO, but not after 1 year from the date BSEE publishes a list of BAVOs, you must use an independent third-party meeting the criteria specified in paragraph (a)(2) of this section to prepare certifications, verifications, and reports as required by §§ 250.731(c) and (d), 250.732 (b) and (c), 250.734(b)(1), 250.738(b)(4), and 250.739(b).

(2) The independent third-party must be a technical classification society, or a licensed professional engineering firm, or a registered professional engineer capable of providing the certifications, verifications, and reports required under paragraph (a)(1) of this section.

(3) For an organization to become a BAVO, it must submit the following information to the Chief, Office of Offshore Regulatory Programs; Bureau of Safety and Environmental Enforcement; 45600 Woodland Road, Sterling, Virginia, 20166, for BSEE review and approval:

(i) Previous experience in verification or in the design, fabrication, installation, repair, or major modification of BOPs and related systems and equipment;

(ii) Technical capabilities;

(iii) Size and type of organization;

(iv) In-house availability of, or access to, appropriate technology. This should include computer programs, hardware, and testing materials and equipment;

(v) Ability to perform the verification functions for projects considering current commitments;

(vi) Previous experience with BSEE requirements and procedures; and

(vii) Any additional information that may be relevant to BSEE's review.

(b) Prior to beginning any operation requiring the use of any BOP, you must submit verification by a BAVO and supporting documentation as required by this paragraph to the appropriate

District Manager and Regional Supervisor.

You must submit verification and documentation related to:	That:
(1) Shear testing,	(i) Demonstrates that the BOP will shear the drill pipe and any electric-, wire-, and slick-line to be used in the well, no later than April 30, 2018; (ii) Demonstrates the use of test protocols and analysis that represent recognized engineering practices for ensuring the repeatability and reproducibility of the tests, and that the testing was performed by a facility that meets generally accepted quality assurance standards; (iii) Provides a reasonable representation of field applications, taking into consideration the physical and mechanical properties of the drill pipe; (iv) Ensures testing was performed on the outermost edges of the shearing blades of the shear ram positioning mechanism as required in § 250.734(a)(16); (v) Demonstrates the shearing capacity of the BOP equipment to the physical and mechanical properties of the drill pipe; and (vi) Includes relevant testing results.
(2) Pressure integrity testing, and	(i) Shows that testing is conducted immediately after the shearing tests; (ii) Demonstrates that the equipment will seal at the rated working pressures (RWP) of the BOP for 30 minutes; and (iii) Includes all relevant test results.
(3) Calculations	Include shearing and sealing pressures for all pipe to be used in the well including corrections for MASP.

(c) For wells in an HPHT environment, as defined by § 250.807(b), you must submit verification by a BAVO that the verification organization conducted a comprehensive review of the BOP system and related equipment you propose to use. You must provide the BAVO access to any facility associated with the BOP system or related equipment during the review process. You must submit the verifications required by this paragraph (c) to the appropriate District Manager and Regional Supervisor before you begin any operations in an HPHT environment with the proposed equipment.

You must submit:	Including:
(1) Verification that the verification organization conducted a detailed review of the design package to ensure that all critical components and systems meet recognized engineering practices,	
(2) Verification that the designs of individual components and the overall system have been proven in a testing process that demonstrates the performance and reliability of the equipment in a manner that is repeatable and reproducible,	(i) Identification of all reasonable potential modes of failure; and (ii) Evaluation of the design verification tests. The design verification tests must assess the equipment for the identified potential modes of failure.
(3) Verification that the BOP equipment will perform as designed in the temperature, pressure, and environment that will be encountered, and	
(4) Verification that the fabrication, manufacture, and assembly of individual components and the overall system uses recognized engineering practices and quality control and assurance mechanisms.	For the quality control and assurance mechanisms, complete material and quality controls over all contractors, subcontractors, distributors, and suppliers at every stage in the fabrication, manufacture, and assembly process.

(d) Once every 12 months, you must submit a Mechanical Integrity Assessment Report for a subsea BOP, a BOP being used in an HPHT environment as defined in § 250.807, or a surface BOP on a floating facility. This report must be completed by a BAVO. You must submit this report to the Chief, Office of Offshore Regulatory Programs; Bureau of Safety and Environmental Enforcement; 45600 Woodland Road, Sterling, VA 20166. This report must include:

(1) A determination that the BOP stack and system meets or exceeds all BSEE regulatory requirements, industry standards incorporated into this subpart, and recognized engineering practices.

(2) Verification that complete documentation of the equipment's service life exists that demonstrates that the BOP stack has not been compromised or damaged during previous service.

(3) A description of all inspection, repair and maintenance records reviewed, and verification that all repairs, replacement parts, and maintenance meet regulatory requirements, recognized engineering practices, and OEM specifications.

(4) A description of records reviewed related to any modifications to the equipment and verification that any such changes do not adversely affect the equipment's capability to perform as designed or invalidate test results.

(5) A description of the Safety and Environmental Management Systems (SEMS) plans reviewed related to assurance of quality and mechanical integrity of critical equipment and verification that the plans are comprehensive and fully implemented.

(6) Verification that the qualification and training of inspection, repair, and maintenance personnel for the BOP

systems meet recognized engineering practices and any applicable OEM requirements.

(7) A description of all records reviewed covering OEM safety alerts, all failure reports, and verification that any design or maintenance issues have been completely identified and corrected.

(8) A comprehensive assessment of the overall system and verification that all components (including mechanical, hydraulic, electrical, and software) are compatible.

(9) Verification that documentation exists concerning the traceability of the fabrication, repair, and maintenance of all critical components.

(10) Verification of use of a formal maintenance tracking system to ensure that corrective maintenance and scheduled maintenance is implemented in a timely manner.

(11) Identification of gaps or deficiencies related to inspection and maintenance procedures and documentation, documentation of any deferred maintenance, and verification of the completion of corrective action plans.

(12) Verification that any inspection, maintenance, or repair work meets the manufacturer's design and material specifications.

(13) Verification of written procedures for operating the BOP stack and Lower Marine Riser Package (LMRP) (including proper techniques to prevent accidental disconnection of these components) and minimum knowledge requirements for personnel authorized to operate and maintain BOP components.

(14) Recommendations, if any, for how to improve the fabrication, installation, operation, maintenance, inspection, and repair of the equipment.

(e) You must make all documentation that supports the requirements of this section available to BSEE upon request.

§ 250.733 What are the requirements for a surface BOP stack?

(a) When you drill or conduct operations with a surface BOP stack, you must install the BOP system before drilling or conducting operations to deepen the well below the surface casing and after the well is deepened below the surface casing point. The surface BOP stack must include at least four remote-controlled, hydraulically operated BOPs, consisting of one annular BOP, one BOP equipped with blind shear rams, and two BOPs equipped with pipe rams.

(1) The blind shear rams must be capable of shearing at any point along the tubular body of any drill pipe (excluding tool joints, bottom-hole tools, and bottom hole assemblies that include heavy-weight pipe or collars), workstring, tubing provided that the capability to shear tubing with exterior control lines is not required prior to April 30, 2018, and any electric-, wire-, and slick-line that is in the hole and sealing the wellbore after shearing. If your blind shear rams are unable to cut any electric-, wire-, or slick-line under MASP as defined for the operation and seal the wellbore, you must use an alternative cutting device capable of shearing the lines before closing the BOP. This device must be available on the rig floor during operations that require their use.

(2) The two BOPs equipped with pipe rams must be capable of closing and sealing on the tubular body of any drill pipe, workstring, and tubing under MASP, as defined for the operation, except for tubing with exterior control lines and flat packs, a bottom hole assembly that includes heavy-weight pipe or collars, and bottom-hole tools.

(b) If you plan to use a surface BOP on a floating production facility you must:

(1) For BOPs installed after April 29, 2019, follow the BOP requirements in § 250.734(a)(1).

(2) For risers installed after July 28, 2016, use a dual bore riser configuration before drilling or operating in any hole section or interval where hydrocarbons are, or may be, exposed to the well. The dual bore riser must meet the design requirements of API RP 2RD (as incorporated by reference in § 250.198), including appropriate design for the maximum anticipated operating and environmental conditions.

(i) For a dual bore riser configuration, the annulus between the risers must be monitored for pressure during operations. You must describe in your APD or APM your annulus monitoring plan and how you will secure the well in the event a leak is detected.

(ii) The inner riser for a dual riser configuration is subject to the requirements at § 250.721 for testing the casing or liner.

(c) You must install separate side outlets on the BOP stack for the kill and choke lines. If your stack does not have side outlets, you must install a drilling spool with side outlets. The outlet valves must hold pressure from both directions.

(d) You must install a choke and a kill line on the BOP stack. You must equip each line with two full-bore, full-opening valves, one of which must be remote-controlled. On the kill line, you may install a check valve and a manual valve instead of the remote-controlled valve. To use this configuration, both manual valves must be readily accessible and you must install the check valve between the manual valves and the pump.

§ 250.734 What are the requirements for a subsea BOP system?

(a) When you drill or conduct operations with a subsea BOP system, you must install the BOP system before drilling to deepen the well below the surface casing or before conducting operations if the well is already deepened beyond the surface casing point. The District Manager may require you to install a subsea BOP system before drilling or conducting operations below the conductor casing if proposed casing setting depths or local geology indicate the need. The following table outlines your requirements.

When operating with a subsea BOP system, you must:	Additional requirements:
(1) Have at least five remote-controlled, hydraulically operated BOPs;	You must have at least one annular BOP, two BOPs equipped with pipe rams, and two BOPs equipped with shear rams. For the dual ram requirement, you must comply with this requirement no later than April 29, 2021. (i) Both BOPs equipped with pipe rams must be capable of closing and sealing on the tubular body of any drill pipe, workstring, and tubing under MASP, as defined for the operation, except tubing with exterior control lines and flat packs, a bottom hole assembly that includes heavy-weight pipe or collars, and bottom-hole tools.

When operating with a subsea BOP system, you must:	Additional requirements:
	(ii) Both shear rams must be capable of shearing at any point along the tubular body of any drill pipe (excluding tool joints, bottom-hole tools, and bottom hole assemblies such as heavy-weight pipe or collars), workstring, tubing provided that the capability to shear tubing with exterior control lines is not required prior to April 30, 2018, appropriate area for the liner or casing landing string, shear sub on subsea test tree, and any electric-, wire-, slick-line in the hole no later than April 30, 2018; under MASP. At least one shear ram must be capable of sealing the wellbore after shearing under MASP conditions as defined for the operation. Any non-sealing shear ram(s) must be installed below a sealing shear ram(s).
(2) Have an operable redundant pod control system to ensure proper and independent operation of the BOP system;	
(3) Have the accumulator capacity located subsea, to provide fast closure of the BOP components and to operate all critical functions in case of a loss of the power fluid connection to the surface;	The accumulator capacity must: (i) Operate each required shear ram, ram locks, one pipe ram, and disconnect the LMRP. (ii) Have the capability of delivering fluid to each ROV function i.e., flying leads. (iii) No later than April 29, 2021, have bottles for the autoshear, and deadman that are dedicated to, but may be shared between, those functions. (iv) Perform under MASP conditions as defined for the operation.
(4) Have a subsea BOP stack equipped with remotely operated vehicle (ROV) intervention capability;	The ROV must be capable of opening and closing each shear ram, ram locks, one pipe ram, and LMRP disconnect under MASP conditions as defined for the operation. The ROV panels on the BOP and LMRP must be compliant with API RP 17H (as incorporated by reference in § 250.198).
(5) Maintain an ROV and have a trained ROV crew on each rig unit on a continuous basis once BOP deployment has been initiated from the rig until recovered to the surface. The ROV crew must examine all ROV-related well-control equipment (both surface and subsea) to ensure that it is properly maintained and capable of carrying out appropriate tasks during emergency operations;	The crew must be trained in the operation of the ROV. The training must include simulator training on stabbing into an ROV intervention panel on a subsea BOP stack. The ROV crew must be in communication with designated rig personnel who are knowledgeable about the BOP's capabilities.
(6) Provide autoshear, deadman, and EDS systems for dynamically positioned rigs; provide autoshear and deadman systems for moored rigs;	(i) Autoshear system means a safety system that is designed to automatically shut-in the wellbore in the event of a disconnect of the LMRP. This is considered a rapid discharge system. (ii) Deadman system means a safety system that is designed to automatically shut-in the wellbore in the event of a simultaneous absence of hydraulic supply and signal transmission capacity in both subsea control pods. This is considered a rapid discharge system. (iii) Emergency Disconnect Sequence (EDS) system means a safety system that is designed to be manually activated to shut-in the wellbore and disconnect the LMRP in the event of an emergency situation. This is considered a rapid discharge system. (iv) Each emergency function must close at a minimum, two shear rams in sequence and be capable of performing its expected shearing and sealing action under MASP conditions as defined for the operation. (v) Your sequencing must allow a sufficient delay for closing the upper shear ram after beginning closure of the lower shear ram to provide for maximum sealing efficiency. (vi) The control system for the emergency functions must be a fail-safe design once activated.
(7) Demonstrate that any acoustic control system will function in the proposed environment and conditions;	If you choose to use an acoustic control system in addition to the autoshear, deadman, and EDS requirements, you must demonstrate to the District Manager, as part of the information submitted under § 250.731, that the acoustic control system will function in the proposed environment and conditions. The District Manager may require additional information as appropriate to clarify or evaluate the acoustic control system information provided in your demonstration.
(8) Have operational or physical barrier(s) on BOP control panels to prevent accidental disconnect functions;	You must incorporate enable buttons, or a similar feature, on control panels to ensure two-handed operation for all critical functions.
(9) Clearly label all control panels for the subsea BOP system;	Label other BOP control panels, such as hydraulic control panel.
(10) Develop and use a management system for operating the BOP system, including the prevention of accidental or unplanned disconnects of the system;	The management system must include written procedures for operating the BOP stack and LMRP (including proper techniques to prevent accidental disconnection of these components) and minimum knowledge requirements for personnel authorized to operate and maintain BOP components.

When operating with a subsea BOP system, you must:	Additional requirements:
(11) Establish minimum requirements for personnel authorized to operate critical BOP equipment;	Personnel must have: (i) Training in deepwater well-control theory and practice according to the requirements of Subparts O and S; and (ii) A comprehensive knowledge of BOP hardware and control systems.
(12) Before removing the marine riser, displace the fluid in the riser with seawater;	You must maintain sufficient hydrostatic pressure or take other suitable precautions to compensate for the reduction in pressure and to maintain a safe and controlled well condition. You must follow the requirements of § 250.720(b).
(13) Install the BOP stack in a well cellar when in an ice-scour area;	Your well cellar must be deep enough to ensure that the top of the stack is below the deepest probable ice-scour depth.
(14) Install at least two side outlets for a choke line and two side outlets for a kill line;	(i) If your stack does not have side outlets, you must install a drilling spool with side outlets. (ii) Each side outlet must have two full-bore, full-opening valves. (iii) The valves must hold pressure from both directions and must be remote-controlled. iv) You must install a side outlet below the lowest sealing shear ram. You may have a pipe ram or rams between the shearing ram and side outlet.
(15) Install a gas bleed line with two valves for the annular preventer no later than April 30, 2018;	(i) The valves must hold pressure from both directions; (ii) If you have dual annulars, you must install the gas bleed line below the upper annular.
(16) Use a BOP system that has the following mechanisms and capabilities;	(i) A mechanism coupled with each shear ram to position the entire pipe, completely within the area of the shearing blade and ensure shearing will occur any time the shear rams are activated. This mechanism cannot be another ram BOP or annular preventer, but you may use those during a planned shear. You must install this mechanism no later than May 1, 2023; (ii) The ability to mitigate compression of the pipe stub between the shearing rams when both shear rams are closed; (iii) If your control pods contain a subsea electronic module with batteries, a mechanism for personnel on the rig to monitor the state of charge of the subsea electronic module batteries in the BOP control pods.

(b) If operations are suspended to make repairs to any part of the subsea BOP system, you must stop operations at a safe downhole location. Before resuming operations you must:

(1) Submit a revised permit with a verification report from a BAVO documenting the repairs and that the BOP is fit for service;

(2) Upon relatch of the BOP, perform an initial subsea BOP test in accordance with § 250.737(d)(4), including deadman. If repairs take longer than 30 days, once the BOP is on deck, you must test in accordance with the requirements of § 250.737; and

(3) Receive approval from the District Manager.

(c) If you plan to drill a new well with a subsea BOP, you do not need to submit with your APD the verifications required by this subpart for the open water drilling operation. Before drilling out the surface casing, you must submit for approval a revised APD, including the verifications required in this subpart.

§ 250.735 What associated systems and related equipment must all BOP systems include?

All BOP systems must include the following associated systems and related equipment:

(a) An accumulator system (as specified in API Standard 53, and incorporated by reference in § 250.198) that provides the volume of fluid capacity (as specified in API Standard 53, Annex C) necessary to close and hold closed all BOP components against MASP. The system must operate under MASP conditions as defined for the operation. You must be able to operate the BOP functions as defined in API Standard 53, without assistance from a charging system, and still have a minimum pressure of 200 psi remaining on the bottles above the pre-charge pressure. If you supply the accumulator regulators by rig air and do not have a secondary source of pneumatic supply, you must equip the regulators with manual overrides or other devices to ensure capability of hydraulic operations if rig air is lost;

(b) An automatic backup to the primary accumulator-charging system. The power source must be independent from the power source for the primary accumulator-charging system. The independent power source must possess sufficient capability to close and hold closed all BOP components under MASP conditions as defined for the operation;

(c) At least two full BOP control stations. One station must be on the rig floor. You must locate the other station in a readily accessible location away from the rig floor;

(d) The choke line(s) installed above the bottom well-control ram;

(e) The kill line must be installed beneath at least one well-control ram, and may be installed below the bottom ram;

(f) A fill-up line above the uppermost BOP;

(g) Locking devices for all BOP sealing rams (i.e., blind shear rams, pipe rams and variable bore rams), as follows:

(1) For subsea BOPs, hydraulic locking devices must be installed on all sealing rams;

(2) For surface BOPs:

(i) Remotely-operated locking devices must be installed on blind shear rams no later than April 29, 2019;

(ii) Manual or remotely-operated locking devices must be installed on pipe rams and variable bore rams; and

(h) A wellhead assembly with a RWP that exceeds the maximum anticipated wellhead pressure.

§ 250.736 What are the requirements for choke manifolds, kelly-type valves inside BOPs, and drill string safety valves?

(a) Your BOP system must include a choke manifold that is suitable for the anticipated surface pressures, anticipated methods of well control, the surrounding environment, and the corrosiveness, volume, and abrasiveness of drilling fluids and well fluids that you may encounter.

(b) Choke manifold components must have a RWP at least as great as the RWP of the ram BOPs. If your choke manifold has buffer tanks downstream of choke assemblies, you must install isolation valves on any bleed lines.

(c) Valves, pipes, flexible steel hoses, and other fittings upstream of the choke manifold must have a RWP at least as great as the RWP of the ram BOPs.

(d) You must use the following BOP equipment with a RWP and temperature of at least as great as the working pressure and temperature of the ram BOP during all operations:

(1) The applicable kelly-type valves as described in API Standard 53 (incorporated by reference in § 250.198);

(2) On a top-drive system equipped with a remote-controlled valve, a strippable kelly-type valve must be installed below the remote-controlled valve;

(3) An inside BOP in the open position located on the rig floor. You must be able to install an inside BOP for each size connection in the pipe;

(4) A drill string safety valve in the open position located on the rig floor. You must have a drill-string safety valve available for each size connection in the pipe;

(5) When running casing, a safety valve in the open position available on the rig floor to fit the casing string being run in the hole;

(6) All required manual and remote-controlled kelly-type valves, drill-string safety valves, and comparable-type valves (i.e., kelly-type valve in a top-drive system) that are essentially full opening; and

(7) A wrench to fit each manual valve. Each wrench must be readily accessible to the drilling crew.

§ 250.737 What are the BOP system testing requirements?

Your BOP system (this includes the choke manifold, kelly-type valves, inside BOP, and drill string safety valve) must meet the following testing requirements:

(a) *Pressure test frequency.* You must pressure test your BOP system:

(1) When installed;

(2) Before 14 days have elapsed since your last BOP pressure test, or 30 days since your last blind shear ram BOP pressure test. You must begin to test your BOP system before midnight on the 14th day (or 30th day for your blind shear rams) following the conclusion of the previous test;

(3) Before drilling out each string of casing or a liner. You may omit this pressure test requirement if you did not remove the BOP stack to run the casing string or liner, the required BOP test pressures for the next section of the hole are not greater than the test pressures for the previous BOP test, and the time elapsed between tests has not exceeded 14 days (or 30 days for blind shear rams). You must indicate in your APD which casing strings and liners meet these criteria;

(4) The District Manager may require more frequent testing if conditions or your BOP performance warrant.

(b) *Pressure test procedures.* When you pressure test the BOP system, you must conduct a low-pressure test and a high-pressure test for each BOP component. You must begin each test by conducting the low-pressure test then transition to the high-pressure test. Each individual pressure test must hold pressure long enough to demonstrate the tested component(s) holds the required pressure. The table in this paragraph (b) outlines your pressure test requirements.

You must conduct a . . .	According to the following procedures . . .
(1) Low-pressure test	All low-pressure tests must be between 250 and 350 psi. Any initial pressure above 350 psi must be bled back to a pressure between 250 and 350 psi before starting the test. If the initial pressure exceeds 500 psi, you must bleed back to zero and reinitiate the test.
(2) High-pressure test for blind shear ram-type BOPs, ram-type BOPs, the choke manifold, outside of all choke and kill side outlet valves (and annular gas bleed valves for subsea BOP), inside of all choke and kill side outlet valves below uppermost ram, and other BOP components.	The high-pressure test must equal the RWP of the equipment or be 500 psi greater than your calculated MASP, as defined for the operation for the applicable section of hole. Before you may test BOP equipment to the MASP plus 500 psi, the District Manager must have approved those test pressures in your APD.
(3) High-pressure test for annular-type BOPs, inside of choke or kill valves (and annular gas bleed valves for subsea BOP) above the uppermost ram BOP.	The high pressure test must equal 70 percent of the RWP of the equipment or be 500 psi greater than your calculated MASP, as defined for the operation for the applicable section of hole. Before you may test BOP equipment to the MASP plus 500 psi, the District Manager must have approved those test pressures in your APD.

(c) *Duration of pressure test.* Each test must hold the required pressure for 5 minutes, which must be recorded on a chart not exceeding 4 hours. However, for surface BOP systems and surface equipment of a subsea BOP system, a 3-minute test duration is acceptable if recorded on a chart not exceeding 4 hours, or on a digital recorder. The recorded test pressures must be within the middle half of the chart range, i.e., cannot be within the lower or upper one-fourth of the chart range. If the equipment does not hold the required pressure during a test, you must correct the problem and retest the affected component(s).

(d) *Additional test requirements.* You must meet the following additional BOP testing requirements:

You must . . .	Additional requirements . . .
(1) Follow the testing requirements of API Standard 53 (as incorporated in § 250.198).	If there is a conflict between API Standard 53, testing requirements and this section, you must follow the requirements of this section.

You must . . .	Additional requirements . . .
(2) Use water to test a surface BOP system on the initial test. You may use drilling/completion/workover fluids to conduct subsequent tests of a surface BOP system.	(i) You must submit test procedures with your APD or APM for District Manager approval. (ii) Contact the District Manager at least 72 hours prior to beginning the initial test to allow BSEE representative(s) to witness testing. If BSEE representative(s) are unable to witness testing, you must provide the initial test results to the appropriate District Manager within 72 hours after completion of the tests.
(3) Stump test a subsea BOP system before installation	(i) You must use water to conduct this test. You may use drilling/completion/workover fluids to conduct subsequent tests of a subsea BOP system. (ii) You must submit test procedures with your APD or APM for District Manager approval (iii) Contact the District Manager at least 72 hours prior to beginning the stump test to allow BSEE representative(s) to witness testing. If BSEE representative(s) are unable to witness testing, you must provide the test results to the appropriate District Manager within 72 hours after completion of the tests. (iv) You must test and verify closure of all ROV intervention functions on your subsea BOP stack during the stump test. (v) You must follow paragraphs (b) and (c) of this section.
(4) Perform an initial subsea BOP test	(i) You must perform the initial subsea BOP test on the seafloor within 30 days of the stump test. (ii) You must submit test procedures with your APD or APM for District Manager approval. (iii) You must pressure test well-control rams according to paragraphs (b) and (c) of this section. (iv) You must notify the District Manager at least 72 hours prior to beginning the initial subsea test for the BOP system to allow BSEE representative(s) to witness testing. (v) You must test and verify closure of at least one set of rams during the initial subsea test through a ROV hot stab. (vi) You must pressure test the selected rams according to paragraphs (b) and (c) of this section.
(5) Alternate testing pods between control stations	(i) For two complete BOP control stations: (A) Designate a primary and secondary station, and both stations must be function-tested weekly; (B) The control station used for the pressure test must be alternated between pressure tests; and (C) For a subsea BOP, the pods must be rotated between control stations during weekly function testing and 14 day pressure testing. (ii) Remote panels where all BOP functions are not included (e.g., life boat panels) must be function-tested upon the initial BOP tests and monthly thereafter.
(6) Pressure test variable bore-pipe ram BOPs against pipe sizes according to API Standard 53, excluding the bottom hole assembly that includes heavy-weight pipe or collars and bottom-hole tools.	
(7) Pressure test annular type BOPs against pipe sizes according to API Standard 53.	
(8) Pressure test affected BOP components following the disconnection or repair of any well-pressure containment seal in the wellhead or BOP stack assembly.	
(9) Function test annular and pipe/variable bore ram BOPs every 7 days between pressure tests.	
(10) Function test shear ram(s) BOPs every 14 days.	
(11) Actuate safety valves assembled with proper casing connections before running casing.	

You must . . .	Additional requirements . . .
(12) Function test autoshear/deadman, and EDS systems separately on your subsea BOP stack during the stump test. The District Manager may require additional testing of the emergency systems. You must also test the deadman system and verify closure of the shearing rams during the initial test on the seafloor.	(i) You must submit test procedures with your APD or APM for District Manager approval. The procedures for these function tests must include the schematics of the actual controls and circuitry of the system that will be used during an actual autoshear or deadman event. (ii) The procedures must also include the actions and sequence of events that take place on the approved schematics of the BOP control system and describe specifically how the ROV will be utilized during this operation. (iii) When you conduct the initial deadman system test on the seafloor, you must ensure the well is secure and, if hydrocarbons have been present, appropriate barriers are in place to isolate hydrocarbons from the wellhead. You must also have an ROV on bottom during the test. (iv) The testing of the deadman system on the seafloor must indicate the discharge pressure of the subsea accumulator system throughout the test. (v) For the function test of the deadman system during the initial test on the seafloor, you must have the ability to quickly disconnect the LMRP should the rig experience a loss of station-keeping event. You must include your quick-disconnect procedures with your deadman test procedures. (vi) You must pressure test the blind shear ram(s) according to paragraphs (b) and (c) of this section. (vii) If a casing shear ram is installed, you must describe how you will verify closure of the ram. (viii) You must document all your test results and make them available to BSEE upon request.

(e) Prior to conducting any shear ram tests in which you will shear pipe, you must notify the District Manager at least 72 hours in advance, to ensure that a BSEE representative will have access to the location to witness any testing.

§ 250.738 What must I do in certain situations involving BOP equipment or systems?

The table in this section describes actions that you must take when certain situations occur with BOP systems.

If you encounter the following situation:	Then you must . . .
(a) BOP equipment does not hold the required pressure during a test;	Correct the problem and retest the affected equipment. You must report any problems or irregularities, including any leaks, on the daily report as required in § 250.746.
(b) Need to repair, replace, or reconfigure a surface or subsea BOP system;	(1) First place the well in a safe, controlled condition as approved by the District Manager (e.g., before drilling out a casing shoe or after setting a cement plug, bridge plug, or a packer). (2) Any repair or replacement parts must be manufactured under a quality assurance program and must meet or exceed the performance of the original part produced by the OEM. (3) You must receive approval from the District Manager prior to resuming operations with the new, repaired, or reconfigured BOP. (4) You must submit a report from a BAVO to the District Manager certifying that the BOP is fit for service.
(c) Need to postpone a BOP test due to well-control problems such as lost circulation, formation fluid influx, or stuck pipe;	Record the reason for postponing the test in the daily report and conduct the required BOP test after the first trip out of the hole.
(d) BOP control station or pod that does not function properly;	Suspend operations until that station or pod is operable. You must report any problems or irregularities, including any leaks, to the District Manager.
(e) Plan to operate with a tapered string;	Install two or more sets of conventional or variable-bore pipe rams in the BOP stack to provide for the following: two sets of rams must be capable of sealing around the larger-size drill string and one set of pipe rams must be capable of sealing around the smaller size pipe, excluding the bottom hole assembly that includes heavy weight pipe or collars and bottom-hole tools.
(f) Plan to install casing rams or casing shear rams in a surface BOP stack;	Test the affected connections before running casing to the RWP or MASP plus 500 psi. If this installation was not included in your approved permit, and changes the BOP configuration approved in the APD or APM, you must notify and receive approval from the District Manager.
(g) Plan to use an annular BOP with a RWP less than the anticipated surface pressure;	Demonstrate that your well-control procedures or the anticipated well conditions will not place demands above its RWP and obtain approval from the District Manager.
(h) Plan to use a subsea BOP system in an ice-scour area;	Install the BOP stack in a well cellar. The well cellar must be deep enough to ensure that the top of the stack is below the deepest probable ice-scour depth.
(i) You activate any shear ram and pipe or casing is sheared;	Retrieve, physically inspect, and conduct a full pressure test of the BOP stack after the situation is fully controlled. You must submit to the District Manager a report from a BSEE-approved verification organization certifying that the BOP is fit to return to service.
(j) Need to remove the BOP stack;	Have a minimum of two barriers in place prior to BOP removal. You must obtain approval from the District Manager of the two barriers prior to removal and the District Manager may require additional barriers and test(s).

If you encounter the following situation:	Then you must . . .
(k) In the event of a deadman or autoshear activation, if there is a possibility of the blind shear ram opening immediately upon re-establishing power to the BOP stack;	Place the blind shear ram opening function in the block position prior to re-establishing power to the stack. Contact the District Manager and receive approval of procedures for re-establishing power and functions prior to latching up the BOP stack or re-establishing power to the stack.
(l) If a test ram is to be used;	The wellhead/BOP connection must be tested to the MASP plus 500 psi for the hole section to which it is exposed. This can be done by: (1) Testing wellhead/BOP connection to the MASP plus 500 psi for the well upon installation; (2) Pressure testing each casing to the MASP plus 500 psi for the next hole section; or (3) Some combination of paragraphs (l)(1) and (2) of this section.
(m) Plan to utilize any other well-control equipment (e.g., but not limited to, subsea isolation device, subsea accumulator module, or gas handler) that is in addition to the equipment required in this subpart;	Contact the District Manager and request approval in your APD or APM. Your request must include a report from a BAVO on the equipment's design and suitability for its intended use as well as any other information required by the District Manager. The District Manager may impose any conditions regarding the equipment's capabilities, operation, and testing.
(n) You have pipe/variable bore rams that have no current utility or well-control purposes;	Indicate in your APD or APM which pipe/variable bore rams meet these criteria and clearly label them on all BOP control panels. You do not need to function test or pressure test pipe/variable bore rams having no current utility, and that will not be used for well-control purposes, until such time as they are intended to be used during operations.
(o) You install redundant components for well control in your BOP system that are in addition to the required components of this subpart (e.g., pipe/variable bore rams, shear rams, annular preventers, gas bleed lines, and choke/kill side outlets or lines);	Comply with all testing, maintenance, and inspection requirements in this subpart that are applicable to those well-control components. If any redundant component fails a test, you must submit a report from a BAVO that describes the failure and confirms that there is no impact on the BOP that will make it unfit for well-control purposes. You must submit this report to the District Manager and receive approval before resuming operations. The District Manager may require you to provide additional information as needed to clarify or evaluate your report.
(p) Need to position the bottom hole assembly, including heavy-weight pipe or collars, and bottom-hole tools across the BOP for tripping or any other operations.	Ensure that the well is stable prior to positioning the bottom hole assembly across the BOP. You must have, as part of your well-control plan required by § 250.710, procedures that enable the removal of the bottom hole assembly from across the BOP in the event of a well-control or emergency situation (for dynamically positioned rigs, your plan must also include steps for when the EDS must be activated) before MASP conditions are reached as defined for the operation.

§ 250.739 What are the BOP maintenance and inspection requirements?

(a) You must maintain and inspect your BOP system to ensure that the equipment functions as designed. The BOP maintenance and inspections must meet or exceed any OEM recommendations, recognized engineering practices, and industry standards incorporated by reference into the regulations of this subpart, including API Standard 53 (incorporated by reference in § 250.198). You must document how you met or exceeded the provisions of API Standard 53, maintain complete records to ensure the traceability of BOP stack equipment beginning at fabrication, and record the results of your BOP inspections and maintenance actions. You must make all records available to BSEE upon request.

(b) A complete breakdown and detailed physical inspection of the BOP and every associated system and component must be performed every 5 years. This complete breakdown and inspection may be performed in phased intervals. You must track and document all system and component inspection dates. These records must be available on the rig. A BAVO is required to be present during each inspection and must compile a detailed report documenting the inspection, including descriptions of any problems and how they were corrected. You must make these reports available to BSEE upon request. This complete breakdown and inspection must be performed every 5 years from the following applicable dates, whichever is later:

(1) The date the equipment owner accepts delivery of a new build drilling rig with a new BOP system;

(2) The date the new, repaired, or remanufactured equipment is initially installed into the system; or

(3) The date of the last 5 year inspection for the component.

(c) You must visually inspect your surface BOP system on a daily basis. You must visually inspect your subsea BOP system, marine riser, and wellhead at least once every 3 days if weather and sea conditions permit. You may use cameras to inspect subsea equipment.

(d) You must ensure that all personnel maintaining, inspecting, or repairing BOPs, or critical components of the BOP system, are trained in accordance with applicable training requirements in subpart S of this part, any applicable OEM criteria, recognized engineering practices, and industry standards incorporated by reference in this subpart.

(e) You must make all records available to BSEE upon request. You must ensure that the rig unit owner maintains the BOP maintenance, inspection, and repair records on the rig unit for 2 years from the date the records are created or for a longer period if directed by BSEE. You must ensure that all equipment schematics, maintenance, inspection, and repair records are located at an onshore location for the service life of the equipment.

Records and Reporting

§ 250.740 What records must I keep?

You must keep a daily report consisting of complete, legible, and accurate records for each well. You must keep records onsite while well operations continue. After completion of operations, you must keep all operation and other well records for the time periods shown in § 250.741 at a location of your choice, except as required in § 250.746. The records must contain complete information on all of the following:

(a) Well operations, all testing conducted, and any real-time monitoring data as required by § 250.724;

(b) Descriptions of formations penetrated;

(c) Content and character of oil, gas, water, and other mineral deposits in each formation;

(d) Kind, weight, size, grade, and setting depth of casing;

(e) All well logs and surveys run in the wellbore;

(f) Any significant malfunction or problem; and

(g) All other information required by the District Manager as appropriate to ensure compliance with the requirements of this section and to enable BSEE to determine that the well operations are consistent with conservation of natural resources and protection of safety and the environment on the OCS.

§ 250.741 How long must I keep records?

You must keep records for the time periods shown in the following table.

You must keep records relating to . . .	Until . . .
(a) Drilling;	90 days after you complete operations.
(b) Casing and liner pressure tests, diverter tests, BOP tests, and real-time monitoring data;	2 years after the completion of operations.
(c) Completion of a well or of any workover activity that materially alters the completion configuration or affects a hydrocarbon-bearing zone.	You permanently plug and abandon the well or until you assign the lease and forward the records to the assignee.

§ 250.742 What well records am I required to submit?

You must submit to BSEE copies of logs or charts of electrical, radioactive, sonic, and other well logging operations; directional and vertical well surveys; velocity profiles and surveys; and analysis of cores. Each Region will provide specific instructions for submitting well logs and surveys.

§ 250.743 What are the well activity reporting requirements?

(a) For operations in the BSEE Gulf of Mexico (GOM) OCS Region, you must submit Form BSEE–0133, Well Activity Report (WAR), to the District Manager on a weekly basis. The reporting week is defined as beginning on Sunday (12 a.m.) and ending on the following Saturday (11:59 p.m.). This reporting week corresponds to a week (Sunday through Saturday) on a standard calendar. Report any well operations that extend past the end of this weekly reporting period on the next weekly report. The reporting period for the weekly report is never longer than 7 days, but could be less than 7 days for the first reporting period and the last reporting period for a particular well operation. Submit each WAR and accompanying Form BSEE–0133S, Open Hole Data Report, to the BSEE GOM OCS Region no later than close of business on the Friday immediately after the closure of the reporting week. The District Manager may require more frequent submittal of the WAR on a case-by-case basis.

(b) For operations in the Pacific or Alaska OCS Regions, you must submit Form BSEE–0133, WAR, to the District Manager on a daily basis.

(c) The WAR must include a description of the operations conducted, any abnormal or significant events that affect the permitted operation each day within the report from the time you begin operations to the time you end operations, any verbal approval received, the well's as-built drawings, casing, fluid weights, shoe tests, test pressures at surface conditions, and any other information concerning well activities required by the District Manager. For casing cementing operations, indicate type of returns (i.e., full, partial, or none). If partial or no returns are observed, you must indicate how you determined the top of cement. For each report, indicate the operation status for the well at the end of the reporting period. On the final WAR, indicate the status of the well (completed, temporarily abandoned, permanently abandoned, or drilling suspended) and the date you finished such operations.

§ 250.744 What are the end of operation reporting requirements?

(a) Within 30 days after completing operations, except routine operations as defined in § 250.601, you must submit Form BSEE–0125, End of Operations Report (EOR), to the District Manager. The EOR must include: a listing, with top and bottom depths, of all hydrocarbon zones and other zones of porosity encountered with any cored intervals; details on any drill-stem and formation tests conducted; documentation of successful negative pressure testing on wells that use a subsea BOP stack or wells with mudline suspension systems; and an updated schematic of the full wellbore configuration. The schematic must be clearly labeled and show all applicable top and bottom depths, locations and sizes of all casings, cut casing or stubs, casing perforations, casing rupture discs (indicate if burst or collapse and rating), cemented intervals, cement plugs, mechanical plugs, perforated zones, completion equipment, production and isolation packers, alternate completions, tubing, landing nipples, subsurface safety devices, and any other information required by the District Manager regarding the end of well operations. The EOR must indicate the status of the well (completed, temporarily abandoned, permanently abandoned, or drilling suspended) and the date of the well status designation. The well status date is subject to the following:

(1) For surface well operations and riserless subsea operations, the operations end date is subject to the discretion of the District Manager; and

(2) For subsea well operations, the operations end date is considered to be the date the BOP is disconnected from the wellhead unless otherwise specified by the District Manager.

(b) You must submit public information copies of Form BSEE–0125 according to § 250.186(b).

§ 250.745 What other well records could I be required to submit?

The District Manager or Regional Supervisor may require you to submit copies of any or all of the following well records:

(a) Well records as specified in § 250.740;

(b) Paleontological interpretations or reports identifying microscopic fossils by depth and/or washed samples of drill cuttings that you normally maintain for paleontological determinations. The Regional Supervisor may issue a Notice to Lessees that sets forth the manner, timeframe, and format for submitting this information;

(c) Service company reports on cementing, perforating, acidizing, testing, or other similar services; or

(d) Other reports and records of operations.

§ 250.746 What are the recordkeeping requirements for casing, liner, and BOP tests, and inspections of BOP systems and marine risers?

You must record the time, date, and results of all casing and liner pressure tests. You must also record pressure tests, actuations, and inspections of the BOP system, system components, and marine riser in the daily report described in § 250.740. In addition, you must:

(a) Record test pressures on pressure charts or digital recorders;

(b) Require your onsite lessee representative, designated rig or contractor representative, and pump operator to sign and date the pressure charts or digital recordings and daily reports as correct;

(c) Document on the daily report the sequential order of BOP and auxiliary equipment testing and the pressure and duration of each test. For subsea BOP systems, you must also record the closing times for annular and ram BOPs. You may reference a BOP test plan if it is available at the facility;

(d) Identify on the daily report the control station and pod used during the test (identifying the pod does not apply to coiled tubing and snubbing units);

(e) Identify on the daily report any problems or irregularities observed during BOP system testing and record actions taken to remedy the problems or irregularities. Any leaks associated with the BOP or control system during testing must be documented in the WAR. If any problems that cannot be resolved promptly are observed during testing, operations must be suspended until the District Manager determines that you may continue; and

(f) Retain all records, including pressure charts, daily reports, and referenced documents pertaining to tests, actuations, and inspections at the rig unit for the duration of the operation. After completion of the operation, you must retain all the records listed in this section for a period of 2 years at the rig unit. You must also retain the records at the lessee's field office nearest the facility or at another location available to BSEE. You must make all the records available to BSEE upon request.

Subpart P—Sulphur Operations

■ 45. Revise § 250.1612 to read as follows:

§ 250.1612 Well-control drills.

Well-control drills must be conducted for each drilling crew in accordance with the requirements set forth in § 250.711 or as approved by the District Manager.

Subpart Q—Decommissioning Activities

■ 46. Amend § 250.1703 by:

■ a. Revising paragraphs (b) and (e);

■ b. Redesignating paragraph (f) as paragraph (g); and

■ c. Adding new paragraph (f).

The revisions and addition read as follows:

§ 250.1703 What are the general requirements for decommissioning?

* * * * *

(b) Permanently plug all wells. Permanently installed packers and bridge plugs must comply with API Spec. 11D1 (as incorporated by reference in § 250.198);

* * * * *

(e) Clear the seafloor of all obstructions created by your lease and pipeline right-of-way operations;

(f) Follow all applicable requirements of subpart G of this part; and

* * * * *

■ 47. Amend § 250.1704 by:

■ a. Revising paragraph (g);

■ b. Redesignating paragraphs (h) and (i) as paragraphs (i) and (j); and

■ c. Adding new paragraph (h).

The revision and addition read as follows:

§ 250.1704 When must I submit decommissioning applications and reports?

* * * * *

Decommissioning applications and reports	When to submit	Instructions
* *	* * *	* *
(g) Form BSEE–0124, Application for Permit to Modify (APM). The submission of your APM must be accompanied by payment of the service fee listed in § 250.125;	(1) Before you temporarily abandon or permanently plug a well or zone,	(i) Include information required under §§ 250.1712 and 250.1721. (ii) When using a BOP for abandonment operations, include information required under § 250.731.
	(2) Before you install a subsea protective device,	Refer to § 250.1722(a).
	(3) Before you remove any casing stub or mud line suspension equipment and any subsea protective device,	Refer to § 250.1723.
(h) Form BSEE–0125, End of Operations Report (EOR);	(1) Within 30 days after you complete a protective device trawl test,	Include information required under § 250.1722(d).
	(2) Within 30 days after you complete site clearance verification activities,	Include information required under § 250.1743(a).

* * * * * * *

§ 250.1705 [Removed and Reserved]

■ 48. Remove and reserve § 250.1705.

■ 49. Amend § 250.1706 by:

■ a. Revising the section heading;

■ b. Removing paragraphs (a) through (e); and

■ c. Redesignating paragraphs (f) through (h) as paragraphs (a) through (c).

The revision reads as follows:

§ 250.1706 Coiled tubing and snubbing operations.

* * * * *

§§ 250.1707 through 250.1709 [Removed and Reserved]

■ 50. Remove and reserve §§ 250.1707 through 250.1709.

■ 51. In § 250.1715, revise paragraph (a)(3)(iii)(B) to read as follows:

§ 250.1715 How must I permanently plug a well?

(a) * * *

PERMANENT WELL PLUGGING REQUIREMENTS

If you have . . .	Then you must use . . .
* * * * *	
(3) * * *.	(iii) * * * (B) A casing bridge plug set 50 to 100 feet above the top of the perforated interval and at least 50 feet of cement on top of the bridge plug;
* * * * *	

* * * * *

§ 250.1717 [Removed and Reserved]

■ 52. Remove and reserve § 250.1717.

§ 250.1721 [Amended]

■ 53. Amend § 250.1721 by removing paragraph (g) and redesignating paragraph (h) as paragraph (g).

[FR Doc. 2016–08921 Filed 4–28–16; 8:45 am]

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Part IV

Environmental Protection Agency

40 CFR Part 62

Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–HQ–OAR–2012–0319; FRL–9940–50–OAR]

RIN 2060–AR77

Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes the federal plan for existing sewage sludge incineration (SSI) units. This final action implements the Environmental Protection Agency's (EPA) emission guidelines (EG) adopted on March 21, 2011, in states that do not have an approved state plan implementing the EG in place by the effective date of this federal plan. The federal plan will result in emissions reductions of certain pollutants from all affected units covered.

DATES: The effective date of this rule is May 31, 2016. The incorporation by reference (IBR) of certain publications listed in the rule is approved by the Director of the Federal Register as of May 31, 2016.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2012–0319. The EPA previously established a docket for the March 21, 2011, original SSI new source performance standards (NSPS) and EG under Docket ID No. EPA–HQ–OAR–2009–0559. All documents in these dockets are listed on the World Wide Web (www), *http://www.regulations.gov* index Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed in the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the EPA Docket Center (EPA/DC), EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Hambrick, Fuels and Incineration Group, Sector Policies and Programs Division (E143–05), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0964; fax number: (919) 541–3470; email address: *hambrick.amy@epa.gov.*

SUPPLEMENTARY INFORMATION:

Acronyms and Abbreviations. The following acronyms and abbreviations are used in this document.

ACI	Activated Carbon Injection
AG	Attorney General
ANSI	American National Standards Institute
ASME	American Society of Mechanical Engineers
ASTM	American Society of Testing and Materials
BTU	British Thermal Unit
CAA	Clean Air Act
CBI	Confidential Business Information
Cd	Cadmium
CDX	Central Data Exchange
CEDRI	Compliance and Emissions Data Reporting Interface
CEMS	Continuous Emissions Monitoring Systems
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CPMS	Continuous Parameter Monitoring Systems
EG	Emission Guidelines
ERT	Electronic Reporting Tool
ESP	Electrostatic Precipitators
FB	Fluidized Bed
FF	Fabric Filter
HCl	Hydrogen Chloride
Hg	Mercury
IBR	Incorporation by Reference
ISTDMS	Integrated Sorbent Trap Dioxin Monitoring System
ISTMMS	Integrated Sorbent Trap Mercury Monitoring System
MH	Multiple Hearth
NAICS	North American Industrial Classification System
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_X	Nitrogen Oxides
NSPS	New Source Performance Standards
NTTAA	National Technology Transfer and Advancement Act of 1995
Pb	Lead
PCDD/PCDF	Polychlorinated Dibenzo-P-Dioxins and Polychlorinated Dibenzofurans
PM	Particulate Matter
PRA	Paperwork Reduction Act
PS	Performance Specifications
RFA	Regulatory Flexibility Act
SO_2	Sulfur Dioxide
SSI	Sewage Sludge Incineration
TEF	Toxicity Equivalence Factor
TEQ	Toxicity Equivalence
The Court	U.S. Court of Appeals for the District of Columbia Circuit
TMB	Total Mass Basis
TPY	Tons per Year
TTN	Technology Transfer Network
UMRA	Unfunded Mandates Reform Act of 1995
VCS	Voluntary Consensus Standards
WWW	World Wide Web

Organization of This Document. The following outline is provided to aid in locating information in this preamble.

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I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
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I. General Information

A. Does the final action apply to me?

Regulated Entities. Owners or operators of existing SSI units that are not already subject to an EPA-approved and effective state plan implementing the March 21, 2011, EG, may be regulated by this final action. Existing SSI units are those that commenced construction on or before October 14, 2010. Regulated categories and entities include those that operate SSI units. Although there is no specific North American Industry Classification System (NAICS) code for SSI units, these units may be operated by wastewater treatment facilities designed to treat domestic sewage sludge. The following NAICS codes could apply as shown in Table 1 below:

TABLE 1—EXAMPLES OF POTENTIALLY REGULATED ENTITIES

Category	NAICS code	Examples of potentially regulated entities
Solid waste combustors and incinerators	562213	Municipalities with SSI units.
Sewage treatment facilities	221320	Wastewater treatment facilities with SSI units.

This table is not intended to be exhaustive, but rather provides a general guide for identifying entities likely to be affected by the final action. To determine whether a facility would be affected by this action, please examine the applicability criteria in 40 CFR 62.15855 through 62.15870 of subpart LLL being finalized here. Questions regarding the applicability of this action to a particular entity should be directed to the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Where can I get a copy of this document?

In addition to being available in the docket, an electronic copy of the final action is available on the Internet through the Technology Transfer Network (TTN) Web site. Following signature by the Administrator, the EPA will post a copy of this final action at *http://www3.epa.gov/ttn/atw/129/ssi/ssipg.html.* The TTN provides information and technology exchange in various areas of air pollution control. Additional information is also available at the same Web site.

C. Judicial Review

Under CAA section 307(b)(1), judicial review of this final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit (the Court) by June 28, 2016.

II. Background Information

A. What is the regulatory development background for this final rule?

Section 129 of the CAA, titled, "Solid Waste Combustion," requires the EPA to develop and adopt standards for solid waste incineration units pursuant to CAA sections 111 and 129. On March 21, 2011, the EPA promulgated NSPS and EG for SSI units located at wastewater treatment facilities designed to treat domestic sewage sludge. See 76 FR 15372. Codified at 40 CFR part 60, subparts LLLL and MMMM, respectively, these final rules set limits for nine pollutants under section 129 of the CAA: Cadmium (Cd), carbon monoxide (CO), hydrogen chloride (HCl), lead (Pb), mercury (Hg), nitrogen oxides (NO$_X$), particulate matter (PM), polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDDs/PCDFs), and sulfur dioxide (SO$_2$).

Sections 111(b) and 129(a) of the CAA address emissions from new units (*i.e.,* NSPS), and CAA sections 111(d) and 129(b) address emissions from existing units (*i.e.,* EG). The NSPS are federal regulations directly enforceable upon SSI units, and, under CAA section 129(f)(1), become effective 6 months after promulgation. Unlike the NSPS, the EG provide direction for developing state plans; however, the EG are not themselves directly enforceable. The EG are implemented under an EPA approved state or tribal plan or EPA adopted federal plan that implements and enforces them, once the state, tribal, or federal plan has become effective.

Section 129(b)(2) of the CAA directs states with existing SSI unit(s) subject to the EG to submit plans to the EPA that implement and enforce the EG. The deadline for states to submit state plans to the EPA for review was March 21, 2012.[1] Sections 111 and 129(b)(3) of the CAA and 40 CFR 60.27(c) and (d) require the EPA to develop, implement and enforce a federal plan for SSI units in any state without an approvable state plan within 2 years after promulgation of the EG. This action finalizes the SSI federal plan.

On August 20, 2013, the Court remanded portions of the 2011 SSI rule for further explanation. *National Ass'n. of Clean Water Agencies* v. *EPA,* 734 F.3d 1115. The Court did not vacate the NSPS or EG, and, therefore, the requirements of the rules remain in place. The EPA intends to address the Court's remand in a future rulemaking. The federal plan is needed to implement the SSI rule in states without an approved state plan. EPA anticipates that facilities in approximately eighteen states and nine local air pollution control districts will need to rely on the SSI federal plan.

B. What is the purpose of this final rule?

Section 129 of the CAA calls upon states as the preferred implementers of the EG for existing SSI units. States with existing SSI units were to submit to the EPA within 1 year (by March 21, 2012) following promulgation of the EG state plans that are at least as protective as the EG. Sections 111 and 129 of the CAA and 40 CFR 60.27(c) and (d) require the EPA to develop, implement and enforce a federal plan within 2 years following promulgation of the EG for sources in states which have not submitted an approvable plan (by March 21, 2013). The EPA is finalizing the SSI federal plan now so that a promulgated federal plan will go into place for any such states, thus ensuring implementation and enforcement of the SSI EG.

States without any existing SSI units are directed to submit to the Administrator a letter of negative declaration certifying that there are no SSI units in the state. No plan is required for states that do not have any SSI units. SSI units located in states that mistakenly submit a letter of negative declaration would be subject to the federal plan until a state plan regulating those SSI units becomes approved. State plans that have been submitted to implement the March 21, 2011, EG, have either been approved or are currently undergoing EPA review. This action finalizes the SSI federal plan to implement the March 21, 2011, EG for those states that do not have an approved state plan in place by the effective date of this federal plan.

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[1] Several states did not submit plans to the EPA by this date.

Incineration of sewage sludge causes the release of a wide array of air pollutants, some of which exist in the waste feed material and are released unchanged during combustion, and some of which are generated as a result of the combustion process itself.[2] The EPA estimated in the 2011 rule that once the state plans and federal plan become effective, a total emissions reduction of the regulated pollutants would occur as follows: Acid gases (*i.e.*, HCl and SO_2), about 450 tons per year (TPY); PM about 58 TPY; non-Hg metals (*i.e.*, Pb and Cd) about 1.7 TPY; and Hg about 4 pounds per year. The EPA also estimated that air pollution control devices installed to comply with the 2011 rule would also effectively reduce emissions of pollutants such as 7-polycyclic aromatic hydrocarbons, chromium, manganese, nickel, and polychlorinated biphenyls.

C. What is the status of state plan submittals?

Sections 111(d) and 129(b)(3) of the CAA, 42 U.S.C. 7411(d) and 7429(b)(3), authorize and require the EPA to develop and implement a federal plan for SSI units located in states with no approved and effective state plan. Table 2 below lists states and territories that have an EPA-approved plan in effect on the date this final federal plan is signed by the EPA Administrator. Additionally, Table 2 lists states and local agencies that submitted negative declarations and or those which the EPA anticipates taking delegation of the federal plan.

TABLE 2—STATUS OF STATE AND TERRITORY PLANS

Status	States
I. EPA-Approved Implementation Plans	New York; Puerto Rico; Virginia; Michigan; Indiana; Missouri.
II. Anticipated Negative Declarations to be Submitted to the EPA.	Huntsville, Alabama; Jefferson County, Alabama; Florida; Jefferson County, Kentucky; Mississippi; Tennessee; Kansas; Pima County, Arizona; Pinal County, Arizona; Hawaii; Washoe County, Nevada; American Samoa; Guam.
III. Negative Declaration Submitted/EPA Approved	Maine; Vermont; Virgin Islands; District of Columbia; Delaware; Philadelphia County, Pennsylvania; West Virginia; Alabama; Kentucky; South Carolina; Arkansas; City of Albuquerque, New Mexico; New Mexico; Oklahoma; Texas; Nebraska; Colorado; Montana; North Dakota; South Dakota; Utah; Wyoming; Arizona; Idaho; Oregon.
IV. Final Implementation Plans Submitted to the EPA	Georgia.
V. Draft Implementation Plans Submitted to the EPA	Rhode Island.
VI. EPA has not received a draft or final implementation plan or negative declaration.	Huntsville, Alabama; Jefferson County, Alabama; Florida; Jefferson County, Kentucky; Mississippi; North Carolina; Forsyth County, North Carolina; Mecklenburg County, North Carolina; Buncombe County, North Carolina; Tennessee; Iowa; Kansas; Pima County, Arizona; Pinal County, Arizona; California; Hawaii; Washoe County, Nevada; American Samoa; Guam; Washington.
VII. Anticipated to Accept Delegation of federal plan	Connecticut; Massachusetts; New Hampshire; New Jersey; Maryland; Pennsylvania; Allegheny County, Pennsylvania; Louisiana; Maricopa County, Arizona; Nevada; Clark County, Nevada; Alaska; Puget Sound Clean Air Agency; Northwest Clean Air Agency; Southwest Clear Air Agency.
VIII. Anticipated federal plan implementation by EPA	Illinois; Minnesota; Ohio; Wisconsin.

As the EPA regional offices approve implementation plans, they will also, in the same action, amend the appropriate subpart of 40 CFR part 62 to codify their approvals. The EPA will maintain a list of implementation plan submittals and approvals on the TTN Air Toxics Web site at *http://www3.epa.gov/ttn/atw/129/ssi/ssipg.html*. The list will help SSI unit owners or operators determine whether their SSI units are affected by a state plan or the federal plan.

Sewage sludge incinerator owners and operators can also contact the EPA regional office for the state in which their SSI units are located to determine whether there is an approved and effective state plan in place. Table 3 lists the names, email addresses and telephone numbers of the EPA regional office contacts and the states and territories that they cover.

TABLE 3—REGIONAL OFFICE CONTACTS

Region	Regional contact	Phone	States and territories
Region I	Patrick Bird, *bird.patrick@epa.gov*	(617) 918–1287	Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont.
Region II	Phillip Ritz, *ritz.phillip@epa.gov*	(212) 637–4064	New York, New Jersey, Puerto Rico, Virgin Islands.
Region III	Mike Gordon, *gordon.mike@epa.gov*	(215) 814–2039	Virginia, Delaware, District of Columbia, Maryland, Pennsylvania, West Virginia.
Region IV	Stan Kukier, *kukier.stan@epa.gov*	(404) 562–9046	Florida, Georgia, North Carolina, Alabama, Kentucky, Mississippi, South Carolina, Tennessee.
Region V	Margaret Sieffert, *sieffert.margaret@epa.gov*	(312) 353–1151	Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio.
Region VI	Steve Thompson, *thompson.steve@epa.gov*	(214) 665–2769	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
Region VII	Lisa Hanlon, *hanlon.lisa@epa.gov*	(913) 551–7599	Iowa, Kansas, Missouri, Nebraska.

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[2] See 76 FR 51371–51375, 51396–51399 and 51399–51400 to reference the regulatory background, summary of final rule changes and impacts of the EG adopted on March 21, 2011.

TABLE 3—REGIONAL OFFICE CONTACTS—Continued

Region	Regional contact	Phone	States and territories
Region VIII	Kendra Morrison, *morrison.kendra@epa.gov*	(303) 312–6145	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
Region IX	Mark Sims, *sims.mark@epa.gov*	(415) 972–3965	Arizona, California, Hawaii, Nevada, American Samoa, Guam, Northern Mariana Islands.
Region X	Katharine Owens, *owens.katharine@epa.gov*	(206) 553–1023	Alaska, Washington.
	Madonna Narvaez, *narvaez.madonna@epa.gov*	(206) 553–2117	Idaho, Oregon.

D. What are the elements of the SSI federal plan?

Sections 111(d) and 129 of the CAA, as amended, 42 U.S.C. 7411(d) and 7429(b)(2), require states to develop and implement state plans for SSI units to implement and enforce the promulgated EG. Accordingly, subpart MMMM of 40 CFR part 60 requires states to submit state plans that include specified elements. Because this federal plan takes the place of state plans, where approved state plans are not effective, it includes the same essential elements: (1) Identification of legal authority and mechanisms for implementation; (2) inventory of SSI units; (3) emissions inventory; (4) compliance schedules; (5) emissions limits and operating limits; (6) operator training and qualification; (7) testing, monitoring, recordkeeping and reporting; (8) public hearing; and (9) progress reporting. See 40 CFR part 62, subpart LLL, and sections 111 and 129 of the CAA. Each element was discussed in detail as it relates to the federal plan in the preamble of the proposed rule (80 FR 23406). The EPA received a total of ten unique public comment letters. A summary of these comments and the EPA's responses is presented in section IV, "Summary of Changes Since Proposal and Response to Public Comments" of this preamble.

III. Affected Facilities

A. What is a sewage sludge incinerator?

The term "SSI" means any unit[3] that combusts any amount of sewage sludge located at a wastewater treatment facility designed to treat domestic sewage sludge, as defined in 40 CFR part 62, subpart LLL. The affected facility is each individual SSI unit. The federal plan defines two subcategories for existing SSI units in 40 CFR 62.16045 of subpart LLL: Multiple hearth (MH) incinerators and fluidized bed (FB) incinerators.

The combustion of sewage sludge that is not burned in an SSI unit located at a wastewater treatment facility designed to treat domestic sewage sludge may be subject to other standards under the CAA.

B. Does the federal plan apply to me?

The federal plan would apply to the owner or operator of an existing SSI unit that was constructed on or before October 14, 2010, and that is not already regulated by an approved and effective state plan as of the effective date in this notice.[4] The federal plan would apply to the SSI unit until the EPA approves a state plan that regulates the SSI unit and that state plan becomes effective.[5] If the construction of an SSI unit began after October 14, 2010, or modification of an SSI unit began after September 21, 2011, it would be considered a new SSI unit and would be subject to the NSPS at 40 CFR part 60, subpart LLLL. The specific applicability of the federal plan is described in 40 CFR 62.15855 through 62.15870 of subpart LLL.

This action will not preclude states from submitting a state plan at a later time. If a state submits a plan after the promulgation of the SSI federal plan, the EPA will review and approve or disapprove the state plan.[6] If the EPA approves a plan, then the SSI federal plan no longer applies to SSI units covered by the state plan. If an SSI unit was overlooked by a state and the state submitted a negative declaration letter, or if an individual SSI unit was not covered by an approved and effective state plan, the SSI unit would be subject to this federal plan.

C. How do I determine if my SSI unit is covered by an approved and effective state plan?

Part 62 of title 40 of the CFR identifies the status of approval and promulgation of CAA section 111(d) and CAA section 129(b) state plans for designated facilities in each state. However, 40 CFR part 62 is updated only once per year. Thus, if 40 CFR part 62 does not indicate that a state has an approved and effective plan, please contact the state environmental agency's air director or the EPA's regional office (see Table 3 in section II.C of this preamble) to determine if approval occurred since publication of the most recent version of 40 CFR part 62.

IV. Summary of Changes Since Proposal and Response to Public Comments

This rule will be finalized as proposed except where the EPA revised the regulatory text to make certain clarifications. After consideration of all the public comments received, in the response to public comments below, the EPA clarified the compliance date, operator training requirements, the federal plan delegation process, certain performance monitoring and testing provisions, status of state plan submittals, and the inventory of units. The EPA received a total of ten unique public comment letters on the proposed federal plan rulemaking. (Note, one letter was inadvertently duplicated and submitted to the docket.[7]) No public hearing was requested, and, therefore, none was held.

The EPA believes that it is critical to highlight that the final compliance date remains, as proposed, March 21, 2016. Commenters raised concerns that the two proposed pathways for compliance implied that the compliance date was longer than statutorily allowed. Therefore, the EPA removed these pathways in the regulatory text to clarify the final compliance date.

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[3] An SSI unit is an enclosed device or devices using controlled flame combustion that burns sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. An SSI unit also includes, but is not limited to, the sewage sludge feed system, auxiliary fuel feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The SSI unit includes all ash handling systems connected to the bottom ash handling system. The combustion unit bottom ash system ends at the truck loading station or similar equipment that transfers the ash to final disposal. The SSI unit does not include air pollution control equipment or the stack. 40 CFR 62.16045.

[4] The federal plan will become effective 30 days after final promulgation.

[5] A state plan is effective on the date specified in the notice published in the **Federal Register** announcing the EPA's approval of the plan.

[6] An approved state plan is a plan developed by a state that the EPA has reviewed and approved based on the requirements in 40 CFR part 60, subpart B, to implement 40 CFR part 60, subpart MMMM.

[7] Docket Identification Numbers EPA–HQ–OAR–2012–0319–0016 and EPA–HQ–OAR–2012–0319–0017 are the same comment.

Commenters raised numerous comments on the federal plan's monitoring and testing provisions, most of which the EPA did not propose to revise or otherwise solicit comment on in the proposed federal plan. Section 129 of the CAA requires the EPA to develop a federal plan to assure that existing units are in compliance with the EG. Many of the comments received on the proposed federal plan's monitoring and testing provisions recommended changes to the EG, which are outside the scope of this action. For that reason, we are not making these changes at this time in the federal plan. An example of these changes is adjusting the minimum percent of the maximum permitted capacity during testing, which is currently promulgated in the EG at 85-percent. In the April 27, 2015, federal plan proposal the EPA did solicit comment on a potential revision to this provision.[8] The EPA is not revising the minimum threshold provision in the federal plan, but will consider whether to do so in a future rulemaking action. With respect to all other comments addressing monitoring and testing provisions in the EG, those comments are outside the scope of this action. However, we do provide some clarifications of the requirements of the EG in response to those comments later in the preamble for this federal plan. We will consider making changes to the EG and federal plan to incorporate the suggested revisions in the future. In addition, many of the commenters' concerns may be addressed through the federal plan, which provides the EPA Administrator with the authority to approve alternate methods of demonstrating compliance as established under 40 CFR 60.8(b) and 60.13(i). SSI unit owners and operators who wish to petition the agency for an alternative method of demonstrating compliance should submit a request to the Regional Administrator with a copy sent to the appropriate state.

A full summary of the public comments and responses to the public comments is provided below in section IV.A. of this preamble.

A. Summary of Public Comments and Responses

In this section, we provide the EPA's responses to all of the public comments received.[9] All of the public comment letters received are located in the docket, which can be accessed by following the instructions outlined in the **ADDRESSES** section of this preamble.

1. Compliance Schedule

Comment: Several commenters (08, 11, 12, 14) point out that the proposed final compliance date of March 21, 2016, is contradictory to the schedules of the compliance pathways proposed in 40 CFR 62.15875 given that it is less than 1 year after the close of the public comment period. Commenters believe that the proposed compliance pathways are unclear and imply that the final compliance date could be after March 21, 2016. Specifically, the proposed 40 CFR 62.15875 outlined two compliance pathways. The first pathway was to achieve final compliance by 1 year from the date of publication of the final federal plan in the **Federal Register**. The second pathway was to achieve final compliance more than one year following the date of publication of the final federal plan in the **Federal Register** by meeting the increments of progress specified in Table 1 of the proposed rule (increment 1: Submit final control plan 3 months from the date of publication of the final rule in the **Federal Register** and increment 2: Final compliance by March 21, 2016). Commenters (08, 11, 12, 14) request that EPA clarify the final compliance date and the schedules in the compliance pathways.

Two commenters (11, 12) specifically request that the EPA revise 40 CFR 62.15875 as follows:

- One (1) year after publication of the final federal plan in the **Federal Register**, or
- For affected sources planning to comply more than one (1) year after the final federal plan, meeting increments of progress for submitting a final control plan within six (6) months after the final federal plan is published and final compliance by two (2) years after the publication of the final federal plan in the **Federal Register**.

Commenters (11, 12) express concern that, due to the delays from the petitioned SSI reconsideration and the federal plan development, the federal plan will negatively affect utilities' efforts to plan for compliance. Another commenter (14) reiterates this concern notably for smaller to mid-size wastewater utilities. The commenter (14) further highlights the short window for compliance and that facilities will likely have to take further regulatory action in areas such as greenhouse gas emissions, industrial pretreatment, anti-terrorism safeguards, and nutrient removal in addition to the numerous other rules and requirements that they are currently required to follow. The commenter states the financial impact this regulation has already had on its facility (estimated at $45,000 for administration and reporting, $25,000 for fees, $65,000 for third-party audits, and $50,000 for a compilation of reports for state and federal agency reporting) and anticipates ongoing cost to ratepayers. A separate commenter (12) asks that the final federal plan contain a mechanism modeled on the provisions at 40 CFR 62.14536, which allow operators to petition for compliance extensions on a case-by-case basis.

Response: The EPA agrees with commenters that clarification of the compliance date and compliance pathways is necessary, but disagrees that a later compliance date is needed and notes that a later compliance date is not authorized by CAA section 129. In addition, comments regarding the appropriate compliance date are outside the scope of this action, and EPA did not propose any revisions to the compliance date. The EPA clarifies that the final compliance date is March 21, 2016.[10] This compliance date was established in the March 21, 2011, EG. In addition, similar to the implementation of other EG under CAA section 129, the EPA proposed two compliance pathways, which would allow owners or operators of SSI units to either: (1) Come into compliance with the plan within 1 year after the plan is promulgated; or (2) meet increments of progress and come into compliance by the final compliance date.[11] This framework was intended for a federal plan that was promulgated on schedule as required by sections 111 and 129(b)(3) of the CAA and 40 CFR 60.27(c) and (d), which require the EPA to develop, implement and enforce a federal plan for SSI units in any state without an approvable state plan within 2 years after promulgation of the EG. In this case, 2 years after the promulgation of the EG would have been by March 21, 2013. The EPA recognizes that because this federal plan is being finalized after the 2-year timeframe from the promulgation of the EG, it is not practical to retain these two pathways in the final federal plan, as the pathway with increments of progress would not comport with the final compliance date established by the EG. In fact, the EPA recognizes that by proposing these pathways, many commenters were confused and stated that they interpreted that the final compliance date was after March 21, 2016, which is not what the EPA intended.

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[8] See 80 FR 23404.

[9] All of the public comments received are identified in the memorandum titled, "Public Comments Received on the Proposed Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010," located in the docket.

[10] If a facility is complying with a state implementation plan, the compliance date may be earlier than March 21, 2016.

[11] 2010 State Implementation Guidance Document is available through the EPA's TTN at *http://www3.epa.gov/ttn/atw/129/hmiwi/epa453b10001_hmiwi.pdf*.

Therefore, the EPA is revising the final rule to require that all SSI unit owners or operators submit a final control plan and achieve final compliance by March 21, 2016. The EPA has concluded that most facilities already have a final control plan in place and know what measures they are required to take in order to achieve compliance.

The EPA disagrees with the commenter's suggested framework for allowing facilities to achieve final compliance up to 2 years after the publication of the final federal plan in the **Federal Register**. This would violate the statute, as section 129 of the CAA directs the EPA to implement the federal plan so that the plan will assure that each unit subject to the plan is in compliance with all provisions no later than 5 years after the date of the promulgation of the emissions guidelines, which was March 21, 2011.

The EPA disagrees with using a mechanism modeled on the provision at 40 CFR 62.14536 as there is no statutory authority under CAA section 129 for providing compliance extensions (*i.e.,* allowing compliance after the compliance date). Lastly, the EPA disagrees that affected sources have had inadequate time to prepare to comply with this rule. The commenters do not point to any specific circumstances where compliance is not possible. In fact, one commenter notes that sources have been working to come into compliance since the March 2011 final rule was issued. The federal plan implements the EG for existing SSI units, which was promulgated on March 21, 2011.[12] We believe that sources have had ample notification of this final compliance date and that they are aware of what measures they must take in order to comply.

2. Operator Training

Comment: Several commenters (08, 11, 12, 14) express varying opinions on the proposed operator training requirements. One commenter (08) points out that the proposed 40 CFR 62.15920(b) requires that operator training and qualification must be obtained through a state-approved program or by completing the requirements that the section outlines. Proposed 40 CFR 62.15920(c) requires that operators must pass an examination designed and administered by a state-approved program or an administering instructor. The commenter suggests that some states will have neither created or identified an approved SSI operator training program, nor have identified any state-approved instructors to administer the training and examination. The commenter is concerned that the facility and operator would be in a situation in which it would be impossible to comply with the rule through no fault of the facility or operator.

Other commenters (11, 12) express appreciation of the EPA's flexibility on who can administer the SSI operator training program and the examination. Commenter (12) requests that the EPA verify its interpretation of the operator training requirements. Specifically, the commenter raises that, based on email correspondence with the EPA, they understand that the proposed operator training requirements mean that a third-party or utility could develop a training program and exam and it need not be approved by the state or the EPA as long as it meets the requirements in 40 CFR 62.15920(c). The commenter states that they understand that this interpretation is only with respect to states that do not have approved state plans in place and that, once a state plan is approved by the EPA, upon the effective date of a state plan, the federal plan would no longer apply as of the effective date of a state plan. Any operator training requirements would have to comply with the state plan.

Another commenter (14) is concerned that it will be difficult to meet the operator training requirements when no state training program exists.

Response: As the EPA recently clarified in a webinar on June 2, 2015, to states, tribes, territories, and local air agencies, the federal plan would require that an SSI unit cannot be operated unless a fully trained and qualified SSI unit operator is accessible, either at the facility or nearby such that the operator can be at the facility within 1 hour.[13] Operator training and qualification must be obtained through a state-approved training program or by completing the list of training requirements included in the proposed federal plan. The EPA explained that if a state program does not exist, facilities complying with the federal plan must complete the list of training requirements in order to comply with the rule.

Section 62.15920(b) of 40 CFR part 62 clearly states that there are two options for complying with the operator training requirements. The first option is to obtain training and qualification through a state-approved program. The second option is to obtain training and qualification through completing an incinerator operator training course that includes at a minimum the topics listed in 40 CFR 62.15920(c). The rule further requires operators to complete an examination designed and administered by the state-approved program or an instructor administering the training topics listed in the rule. The rule also states that operators are required to conduct initial training and annual refresher trainings in addition to retaining documentation on-site of completed operator training. The EPA provides the following examples of how a training and examination program could work in order to comply with the requirements:

- Example 1: A third party administers an SSI operator training course and examination. The training course and examination syllabus cover the topics as described in 40 CFR 62.15920(c).
- Example 2: An affected SSI facility with necessary technical expertise administers an "in-house" SSI operator training course and examination. The training course and examination syllabus cover the topics as described in 40 CFR 62.15920(c).
- Example 3: SSI operators complete an SSI operator training course and examination through a state-approved training program (*e.g.,* state-approved trainer or state-run program; may vary by state).

The EPA further clarifies that "state approved training program" is not a "state implementation plan". The EPA recognizes that different states may have their own requirements for professional trainers in their states even if they do not have a state implementation plan in place. SSI unit owners and operators are encouraged to contact their state to find out if their state has its own requirements for trainers. Once a state plan is approved by the EPA, upon the effective date of a state plan, the federal plan would no longer apply to SSIs in that state. The state or local agency would implement and enforce the approved state plan in lieu of the federal plan and operator training requirements would have to conform with the state plan.

3. Performance Testing and Monitoring

As the EPA discussed in the federal plan proposal, we will not address comments on the underlying SSI EG, since those comments address issues outside the scope of the federal plan.[14] We note that this section addresses issues that the EPA believes warrant clarification, even though they are not within the scope of this action. Many of the comments received on the proposed federal plan's monitoring and testing provisions recommend changes to be made in the EG, and since no such revisions were identified in the proposed federal plan, we are not making these changes at this time in the federal plan. We will consider making changes to the EG and corresponding changes to the federal plan to incorporate the suggested revisions in the future. However, the responses below provide clarification regarding the requirements of certain monitoring and testing provisions.

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[12] See 76 FR 15372.

[13] EPA's outreach webinar on the federal plan proposal can be found at the SSI regulation Web site: *http://www3.epa.gov/ttn/atw/129/ssi/ssipg.html.*

Comment: Multiple commenters (11, 12, 13, 18) respond to the EPA's solicitation of comments regarding the proposed provision at 40 CFR 62.16015, which would require SSI units to operate at a minimum of 85-percent of the maximum permitted capacity during performance testing. The EPA specifically solicited comments and additional data on whether the 85-percent requirement warrants a revision due to operational limitations or other factors. Two commenters (12 and 18) state that the capacity at which SSIs test will drive the overall setting of operating parameters that: (1) May be impossible to maintain at a lower (more real-world) throughput rate, and (2) if possible to maintain, may have negative environmental and cost implications. Under one commenter's (18) title V permit, stack tests are required and set the maximum (with an allowable exceedance up to 10-percent) for dry-tons-per-day solids loading. The commenter argues that using a stack test to set the maximum throughput makes sense when the stack test results are also used to set operating parameters. In addition, for this commenter, the permitted throughput is calculated as an average of three test runs, and two commenters (12 and 18) request the EPA to consider including this in the federal plan.

Commenters (12 and 18) provide the example that an SSI unit with a higher feed rate will have a higher air flow and, therefore, a higher pressure drop; pressure drop is one of the operating parameters that must be established. Under normal feed rates, SSIs will have lower air flows and lower pressure drops. They state that it may be necessary for some utilities attempting to achieve combustion zone temperature limits established for higher loading conditions to use auxiliary fuel to artificially increase bed temperature to meet the operating limit at lower loading conditions.

Commenters (12 and 18) discuss that it is not practical or economical for many SSIs to maintain a level of 85-percent during normal operations in order to ensure that operating parameters set at this level are consistently met. The commenters discuss that operation at this higher level will require frequent start/stop cycles, which accelerates the thermal aging of the system, shortens the useful life of the unit, results in highly variable feed composition, and uses more auxiliary fuel for stable operation. The commenters believe that these adverse impacts further increase the operating cost and adversely impact emissions from SSIs due to excessive fuel use and increased frequency of startup and shutdown modes. In other words, this would result in increased energy consumption and greenhouse gas emissions.

One commenter (12) explains that some SSI facilities have had to store sludge for extended periods of time to accumulate enough material to meet this requirement, as many SSIs routinely operate significantly below their maximum permitted capacity. If an operating facility has to store sludge to meet the 85-percent feed rate, the characteristics of the sludge will change, resulting in different operating requirements and performance for stored sludge than non-stored sludge processed during average conditions. The commenter further explains that many utilities simply do not generate enough sludge to burn at 85-percent of permitted capacity consistently. The commenter describes how sludge is fed at a rate to maintain a specific and narrow combustion temperature range. Variations in sludge composition will vary the feed rate as the commenter describes. During one SSI facility's recent performance test run, the sludge's percent volatile solids and British Thermal Unit (BTU) content were significantly higher than normal, which resulted in feed rates less than 85-percent as the SSI's BTU input capacity was reached. In other cases, SSI units have not been able to maintain feed rates at 85-percent of their permitted maximum capacity and also maintain other operating conditions during testing, resulting in test runs that do not meet the regulatory requirements (*e.g.*, sludge volatile content and other sludge characteristics can vary significantly and feed rates must be adjusted to maintain target combustion temperatures).

One commenter (12) reminds the EPA of their comments submitted on the October 14, 2010, proposal of the EG and NSPS (75 FR 63260) in which they stated that EPA's assumption that SSIs operate at 75-percent of the rated capacity was too high and that the EPA needed to consider other options.[15] The commenter further highlights their November 29, 2010, comment that raised concerns about requiring a specific operating parameter for feed rate. The commenter believes that the 85-percent requirement was added at the 2011 final rule stage of the EG and NSPS as the EPA attempted to address the issue that their November 29, 2010, comments raised at the time. They further believe that the EPA removed the operating parameter for sludge feed rate and the requirement to regularly operate within that range, but the agency then added the 85-percent requirement for performance testing. The commenter requests that the EPA eliminate the 85-percent requirement and instead require the use of a minimum feed rate based on actual historical operating averages (*i.e.*, the baseline would be each SSI's historical operating baseline, instead of permitted capacity). The commenter states that the EPA has previously suggested in email correspondence and phone conversations that testing be conducted at both 85-percent of permitted capacity and at the historical operating average feed rates in order to establish the operating parameters at regular or normal feed rates. The commenter does not think that this is acceptable because this would require two separate compliance demonstration source tests and effectively double the cost of performance testing. They also do not think that there is valid regulatory purpose for establishing operating parameters at higher operating capacities (*e.g.*, 85-percent) than are normally encountered, so they request that the EPA revise this requirement to instead require testing based on actual/historical operating average.

Commenter (11) discusses that their unit is rated by the manufacturer at a sludge feed rate of 2.0 dry-tons-per-hour. The rating was based on assumptions during its design, including volatile solids percentage in sludge. The commenter states that the SSI unit has never achieved the design sludge feed rate, much in part because the measured volatile solids content has been consistently higher than the design assumption. Under a normal optimal operation, the commenter can run a feed rate of 1.4–1.5 dry-tons-per-hour, which is at 75-percent of rated capacity. However, they describe that there are extended periods of time where the SSI unit operates at lower feed rates (*e.g.*, 1.1 dry-ton-per-hour), which is 55-percent of rated capacity. The commenter explains that sludge feed rate dictates the target combustion temperature to achieve optimal combustion conditions while generating the least quantity of air pollutants. While the commenter will seek a lower permitted capacity in its air permit, it is likely that the SSI unit will not continuously operate within 85–100-percent capacity range, including during test conditions. The commenter describes how operators must respond to varying conditions such as sludge quality, fluidized sand condition, and combustion air flow and temperature. The commenter believes that sludge feed rate should not be specified in the operation of an SSI, including during performance testing. The commenter asks the EPA to provide relief in this requirement by either expanding the minimum percentage requirement, or by implementing another means to determine "normal operation". One suggestion they recommend is to require that a performance test be conducted at a sludge feed rate within plus or minus 20-percent of the average sludge feed rate during the past six months of SSI unit operation.

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[14] See 80 FR 23404.

[15] See November 29, 2010, comment submitted by the National Association of Clean Water Agencies. Document identification number EPA–HQ–OAR–2009–0559–0127.1. *http://www.regulations.gov.*

Commenter (13) recommends that the 85-percent threshold be replaced with a requirement that the minimum feed rate be based on historical operating average. The commenter explains that this suggestion is primarily due to the variability of the sludge feed (*e.g.*, percent solids, percent volatile solids, BTU content, percent primary sludge v. percent waste activated sludge, etc.), which impacts throughput. Furthermore, the commenter states that SSI facilities are finding that they will not be able to continuously meet some of the site-specific operating limits (*e.g.*, wet scrubber pressure drop) established at 85-percent threshold or higher, when operating their incinerators at normal (lower) feed rates.

Response: While we solicited comment on the 85-percent of maximum permitted capacity performance testing requirement, the EPA has decided that it is not appropriate to make changes to the requirement at this time, in order to avoid inconsistencies between the federal plan and the EG, since the federal plan is intended to implement the EG. The EPA thanks the commenters for their valuable feedback and ideas. We will consider making changes to the EG and corresponding changes to the federal plan to address the suggested revisions in the future. If a particular operating parameter is inappropriate for a site-specific configuration, the facility may submit an alternative monitoring plan to the appropriate EPA regional office pursuant to 40 CFR 62.16050, 40 CFR 60.8 and 60.13.

Comment: One commenter (11) discusses the proposed 40 CFR 62.15995(a)(3)(ii)(C), which includes specific requirements for installation of a pH monitoring system if a scrubber is designed to control emissions of HCl or SO_2. Specifically, 40 CFR 62.15995(a)(3)(ii)(C)(*1*) will require that a pH sensor be placed in a position at the scrubber effluent. The commenter explains that the requirement will cause issues in establishing an operating limit and in operating and maintaining the pH probe because of the elevated temperature of scrubber effluent and presence of erosive ash and sand particulate. The commenter further explains that it is likely that the pH probe measurement will drift under these conditions. Additionally, regarding the establishment of operating limits, the commenter believes that it is likely that the pH of scrubber effluent will vary during a performance test, depending on the varying presence of HCl and/or SO_2 removed from the gas stream. The commenter states that using scrubber effluent pH is inconsistent with engineering design for scrubbers designed to remove acidic or alkaline gases from process air or flue. Typically, the adjustment and measurement of scrubber pH liquid is important for the feed (or influent) into a scrubber system. In a semantic sense, the term "scrubber liquid pH" used in 40 CFR 62.15985(a)(1) is typically understood to be the liquid introduced (*i.e.*, feed) into a scrubber. This is a fundamentally different term than "scrubber effluent pH," as noted in 40 CFR 62.15995(a)(3)(ii)(C). The commenter recommends that the pH of scrubber liquid, specifically the feed water into a scrubber, be used for establishing operating limits. The commenter also states that the pH monitoring system should be placed at the feed water, and not the scrubber effluent.

Response: This comment is outside the scope of the SSI federal plan, since the federal plan is intended to implement the EG. The EPA thanks the commenters for their valuable feedback and ideas. We will consider making changes to the EG and federal plan to incorporate the suggested revisions in the future. If a particular operating parameter is inappropriate for a site-specific configuration, under 40 CFR 62.16050, 40 CFR 60.8 and 60.13, the facility may submit an alternative monitoring plan to the appropriate EPA regional office.

Comment: One commenter (08) describes that the proposed 40 CFR 62.15995 includes requirements to prepare site-specific monitoring plans for continuous parameter monitoring systems (CPMS). The proposed rule contains specific sensitivity specifications for certain types of CPMS. The commenter explains that most SSIs have been operating satisfactorily with legacy CPMS, installed at the time of installation or shortly thereafter as the "kinks" were worked out. At this time, however, it is often impossible to obtain performance specifications for the CPMS components or the overall CPMS, for a variety of reasons. The commenter discusses that, when the equipment was purchased, performance specifications with that degree of granularity were often not required as part of equipment specification. It may be impossible to now obtain the data retroactively from vendors or manufacturers, because suppliers are no longer in business, or the manufacturers did not acquire or retain the data because it was not required. Thus there will be situations in which an affected SSI unit has an existing continuous parameter monitoring equipment that is working satisfactorily with years of reliable performance, but for which the operator cannot produce the "paperwork" documenting that the unit meets the performance specification of the proposed 40 CFR 62.15995. The commenter asks the EPA what alternatives are available to operators of SSI units in these circumstances. The commenter also asks that if the rule is promulgated as proposed, will the operators of those SSI units be required to replace working and effective CPMS simply for the lack of "paperwork". The commenter believes that discarding equipment that is working for lack of "paperwork" seems unnecessary and wasteful, particularly since newer equipment with greater sensitivity might actually be more susceptible to breakdown or performance excursions.

Response: While the EPA has stated its belief that it is prudent for records of specifications for measurement equipment to be kept, the EPA understands that these records may no longer exist. In cases where this information no longer exists, that reason alone will not require facilities to replace their equipment. Instead, the facility may demonstrate that the equipment meets the requirements given in the rule. For example, for temperature measurements, such a demonstration could rely on comparison to a redundant temperature measurement device, a calibrated temperature measurement device or a separate sensor check and system check by temperature simulation.

It is important for monitoring equipment to meet minimum specifications in order to return data of known quality. While the monitor may be working, without data of known and satisfactory quality, neither the owner or operator nor the EPA can be assured that the facility is in compliance.

Comment: One commenter (08) identifies that the proposed 40 CFR 62.15995(a)(7) would establish requirements to determine when a continuous monitoring system (CMS) is out of control. They specify that paragraph (a)(7)(i) sets forth that a CMS system would be deemed to be out of control if drift exceeds two times the applicable calibration drift specification (paragraph (a)(7)(i)(A)) or the unit fails certain required performance test audits (paragraph (a)(7)(i)(B)). As the commenter reads the proposed federal plan, the universe of CMS that fall under this provision is unclear. They discuss that one interpretation is that the proposed federal plan applies to all CMS, which would indicate that an "out-of-control" specification would need to be developed for each CMS. Following this interpretation, all CMS that are not subject to performance audits would need to develop an "out-of-control" drift specification. The commenter asks how "out-of-control" specifications would be developed for CMS that are subject neither to a performance audit nor to drift. The commenter has an alternate interpretation of 40 CFR 62.15995(a)(7), which is that it applies only to CMS for which drift is a meaningful and relevant concern. The commenter believes that the rule as written, however, does not clearly limit 40 CFR 62.15995(a)(7) to such situations.

Response: The rule applies to all CMS. Section 62.15995 of 40 CFR part 62 requires owners or operators to develop and submit for the Administrator's approval site-specific monitoring plans for each CMS. Section 62.15995(a)(3) of 40 CFR part 62 requires owners or operators to identify ongoing performance evaluations in their site-specific monitoring plans for all CMS (both CEMS and CPMS). A failure of one of these ongoing activities (*e.g.,* the performance evaluation described in the site-specific monitoring plan) constitutes an out-of-control period and triggers corrective action. The EPA further notes that owners and operators must conduct a performance evaluation of a pressure sensor no less frequently than annually per 40 CFR 62.1995(a)(3)(ii)(B)(*5*).

Comment: Two commenters (12 and 13) identify that under the EG and the proposed federal plan, the lowest 4-hour average effluent water flow rate at the outlet of the wet electrostatic precipitator (WESP) recorded during the most recent performance test demonstrating compliance with the particulate matter, lead, and cadmium limits, becomes the WESP's site-specific minimum water effluent flow rate. Commenters discuss that the data are supposed to be measured and recorded on an hourly basis, and compliance is determined on a 12-hour block average. Commenter (13) specifically notes that the EG only requires three 1-hour long performance test runs, which means that the minimum water effluent flow rate will actually be the lowest 1-hour average. Both commenters convey that water does not continuously run through a WESP. A WESP is only flushed (clean) with water approximately once every 6 hours and the flush lasts for approximately 3 minutes. Commenter (13) explains that the rate at which flushing water is added to the WESP is normally in the range of 50–100 gallons per minute, but it can vary depending on the size of the unit.

Commenter (13) states that unlike other industries, all of the WESPs located at publicly owned treatment works (POTWs) are preceded by wet scrubbing systems and the gas stream entering the WESP is saturated with moisture. As a result, there is no need to install water sprays prior to the WESP's inlet. The commenter asks whether the use of water sprays in other industries is the reason that the minimum water effluent limit was included in the SSI rules. The commenter explains that unless flushing water is being utilized, the water effluent flow rate recorded during the performance test will only consist of a small amount of moisture that has been carried over from the wet scrubbers and the condensation that occurs within the WESP. A number of POTWs combine the effluent from their wet scrubbers and WESPs into a single pipe, making it almost impossible to accurately measure the WESP water effluent. The commenter requests that POTWs be allowed to monitor the WESP's flushing water inflow in lieu of measuring the WESP's effluent, if this requirement is retained in the final federal plan.

Commenter (12) states that the rule requires a minimum water flow rate for the WESP in gallons-per-minute (gpm), just like the scrubber water flow rate. Scrubber water, however, flows continuously while WESPs are only flushed once every 6 hours. Since the flushing water is not continuous, SSI unit owners and operators have difficulty developing a minimum flow rate. In addition, a WESP gravity effluent pipe with a diameter of 4 inches or 6 inches, necessary to avoid clogging in some configurations, is too large for a meter to accurately measure the low rate of flow. In some cases, WESP effluent flows into a common drain pipe where backflow into the drain can affect the accuracy of the reading. One SSI unit owner/operator requests that they be allowed to measure the water feed to the WESP, instead of measuring the flow at the outlet of the WESP. The influent flow rate will be greater than or equal to the effluent rate due to possible evaporation within the unit. However, the commenter has a more basic question as to why the rule requires a minimum WESP effluent water flow rate as a site-specific operating parameter. Based on the information the commenter has collected, water flow does not change the WESP's collection efficiency. In fact, at some times, there can be more water draining out of the WESP then is being added to it. The exception is when flushing occurs, which is due to the condensation of the moisture in the exhaust gases that have been saturated in the wet scrubbers. The commenter requests clarification on this topic in the final federal plan.

Similarly, another commenter (16) believes that 40 CFR 62.15985 as proposed is impractical. The commenter states that 40 CFR 62.15985 indicates that water flow rate at the outlet of the WESP must be monitored. The commenter remarks that water usage by the WESP is intermittent and at many times too minimal for a mag-meter of the size necessary on the effluent pipe to accurately measure. A pressurized influent pipe supplying water to the WESP is much smaller, improving the accuracy of the mag-meter. The commenter describes that a WESP gravity effluent pipe with a diameter of 4 inches to 6 inches, necessary to avoid clogging, is too large for a mag-meter to accurately measure the low rate of flow.

Commenter (13) references EPA guidance document for "Compliance Assurance Monitoring" (CAM) that covered WESPs used for particulate matter control; voltage was listed as the prime and only measurement for compliance monitoring. The commenter states that this document also acknowledged that wash water is only used on an intermittent basis and results in slight and temporary reductions in voltage. Since the water effluent flow rate is not indicative of a WESP's removal efficiency, WESPs are subject to a site-specific secondary voltage or amperage operating limit, and WESPs located at POTWs do not require water sprays, the commenter asks the EPA to consider eliminating the WESP water effluent operating parameter from the EG and final federal plan.

Response: The choice of site-specific operating parameters is outside the scope of the federal plan, and EPA did not propose or solicit comment on revisions to these provisions. The EPA thanks the commenters for their valuable feedback and ideas. We will consider making changes to the EG and federal plan to incorporate the suggested revisions in the future. The EPA recognizes that the commenters have asked for clarifications on some of the points related to WESP water flow and we provide clarification below.

First, commenters note that the lowest 4-hour average effluent water flow rate at the outlet of the WESP, recorded during the most recent performance test demonstrating compliance with the PM, Pb, and Cd limits, becomes the WESP's minimum water effluent flow rate, but that the regulation only requires three 1-hour performance test runs, which means that the minimum water effluent flow rate will actually be the lowest 1-hour average. The EPA notes that the regulation requires a minimum sample volume for each test run, not a minimum sample time. It is possible that some performance tests for PM and metals may not require 4 hours in total to achieve the minimum sample volume for the three runs. However, because the operating parameters must be set based on a 4-hour average from the performance test, the EPA has concluded that it is necessary to test for at least 4 hours (in total, not per run), even if this means collecting more than the minimum sample volume prescribed in the rule.

Second, the EPA is clarifying why effluent water flow is an appropriate operating parameter for a WESP and why it accurately reflects a WESP's ability to efficiently collect PM. All ESPs operate under the principle that opposite charges exist between the plates and the particles. When the plates become too caked with collected particles, there will no longer be enough pull from the plates to attract the particles from the incoming gas stream. The plates must be continuously or intermittently (at regular intervals) washed to maintain the attraction. In some situations, either influent or effluent water flow can provide an adequate indicator of performance. However, as one commenter noted, sometimes the influent flow rate is maintained at greater than or equal to the effluent rate due to possible evaporation within the unit. In this type of situation, it is important to monitor the effluent flow rather than the influent flow. If the water evaporates and does not make it all the way through the system and does not clean all of the plate surfaces, than the water flow is not adequate, but this would not be reflected if measuring inlet flow rate. Further, the commenter's assertion that the EPA's CAM guidance lists voltage as the prime and only measurement for compliance monitoring is incorrect. The CAM guidance is meant only to provide examples for operating parameters for different control devices; it is not meant to be all inclusive. However, the second example for WESP in the CAM guidance lists three different monitoring parameters: secondary voltage, quench inlet temperature, and WESP outlet temperature. The WESP outlet temperature measurement serves as an indicator of water flow through the system, thereby demonstrating that even in the CAM guidance the EPA has acknowledged the importance of water flow in a WESP.

The EPA also reminds commenters that if a particular operating parameter is inappropriate for their site-specific configuration, under 40 CFR 62.16050, 40 CFR 60.8 and 60.13 the facility may submit an alternative monitoring plan to the appropriate EPA regional office.

Comment: One commenter (12) discusses that the 2011 EG and proposed federal plan include parametric monitoring requirements for good combustion at 40 CFR 62.15960. The commenter points out that a definition of "combustion chamber" is not provided in 40 CFR 62.16045, though the definition for "fluidized bed incinerator" makes mention of "combustion chamber." A multiple hearth incinerator typically includes drying, combustion and cooling zones and could also include an afterburner for carbon monoxide removal. The commenter believes that it is unclear whether the requirement under 40 CFR 62.15960 to establish a minimum operating temperature applies to (a) the combustion chamber within a fluidized bed incinerator and the afterburner in a multiple hearth incinerator only, or (b) to all hearths/zones within a multiple hearth incinerator as well as (a), or (c) to only the combustion zone within a multiple hearth incinerator as well as (a), or (d) does not apply at all to any of the hearths/zones within a multiple hearth incinerator. The commenter stresses the importance of developing site-monitoring plans for temperature sensors that are affected under 40 CFR 62.15995(a)(3)(ii)(D).

Response: The SSI federal plan does not define the term "combustion chamber." In response to the comment regarding where the minimum combustion temperature is applied, we are clarifying that the minimum combustion temperature is to be applied in the combustion zone of the unit. The drying hearth or zone temperature typically ranges between 800 and 1,400 degrees Fahrenheit. In the drying zone, the sludge that is dried is heated so that efficient combustion may then occur. We do not believe it is appropriate to establish minimum combustion temperature in the drying zone because the drying zone's purpose is to reduce the moisture and heat up the sludge, not to combust the sludge. The temperature of the combustion zone is typically 1,700 degrees Fahrenheit. Combustion typically requires at least greater than 1400 degrees Fahrenheit to destroy solids and fixed carbon. We intend for the minimum combustion temperature to be applied in the combustion zone in order for good combustion to occur. From the combustion zone, the cooling zone occurs next where ash cools and heat is transferred to the incoming combustion air. The cooling zone also would not be appropriate to apply the minimum combustion temperature because combustion should have completed by this point.

Comment: One commenter (12) states that they have had numerous discussions with the EPA about the EG and proposed federal plan's requirement relating to fugitive visible emissions from ash handling. They identify that other Maximum Achievable Control Technology standards specifically state that this requirement applies to emissions from the building to the atmosphere, not from equipment within the incinerator building, and EPA has confirmed in phone conversations with the commenter that the same is true for the visible emissions requirements for ash handling in the EG and proposed federal plan. The commenter requests that this be clearly stated in the final federal plan. The commenter believes that any attempt to apply the fugitive ash requirement within the incinerator building would be unjustified and lead to major compliance issues.

Response: The underlying emissions guideline is clear that the requirement applies to fugitive visible emissions from the ash handling system. The definition of an SSI unit at 40 CFR 62.16045 describes that the unit includes all ash handling systems connected to the bottom ash handling system and that the combustion unit bottom ash system ends at the truck loading station or similar equipment that transfers the ash to final disposal. Tables 2 and 3 of the federal plan regulatory text further specify that the visible emissions of combustion ash from an ash conveying system include conveyor transfer points. It is not predicated on the location of the ash handling system. The 2011 EG and NSPS response to public comments also explains that the rule should and does require that the source owner or operator verify that the measures necessary to limit the amount of fugitive dust exiting the transfer points and exhausts from the building are such that they meet the visible emissions standard.[16] The commenter did not provide any specifics as to why the emission standard for fugitive emissions from ash handling is unjustified or would lead to major compliance issues.

Comment: One commenter (12) states that according to the EG and the proposed federal plan, all of the operating parameters, with the exception of scrubber water pH, are to be equal to the lowest 4-hour average measured during the most recent compliance test. The commenter states that EPA staff have indicated that when writing the EG, EPA personnel assumed that each of the three required test runs would be 4 hours in duration. However, the EPA included air emission test protocols in the final rule for performance testing that allow three 1-hour test runs. During correspondence with EPA, the commenter states that EPA staff agreed that 1-hour test runs were acceptable for establishing operating parameters. Furthermore, the EPA agreed that the lowest 4-hour average should be deleted and replaced with the 1-hour test run average already agreed to in principle. The commenter asks the EPA to confirm this in writing in the final federal plan and through the appropriate process to update any state implementation plans, as well in 40 CFR part 60, subpart LLLL (NSPS for SSI units).

Response: The EPA notes that the regulation requires a minimum overall sample volume for each test run, not a minimum sample time. It is possible that some performance tests for PM and metals may not require 4 hours in total to achieve the minimum sample volume for the three runs. However, because the operating parameters must be set based on a 4-hour average from the performance test, the EPA has concluded that it is necessary to test for at least 4 hours (in total, not per run), even if this means collecting more than the minimum sample volume prescribed in the rule.

Comment: One commenter (12) recognizes that numerous SSI unit owners and operators have raised questions regarding setting and implementing operating limits. The commenter provides the following example: During a recent performance test at one facility to establish venturi water flow rate, when the flow rate was recorded at 344 gpm. The commenter asks whether the utility must set the flow rate at the level or whether it can set the flow rate at 340 gpm. The commenter states that SSI unit owners and operators are not familiar with these provisions and would benefit from any additional guidance the EPA can provide. The commenter states that some leeway makes sense due to measurement variability. The commenter believes that compliance with the parametric limit should be based on the average high/low value (as appropriate) plus or minus 30-percent, consistent with the existing 40 CFR part 60, subpart O requirements. The commenter requests that the EPA clarify how averages are to be calculated. They state that utilities need to know how the x-hour averages are calculated for each operating parameter. Scrubber flow rate, liquid pH, combustion chamber operating temperature, etc. limits all depend of knowing how this calculation must be performed.

Response: The rule provides sufficient flexibility to owners and operators to establish monitoring parameters that are achievable on an on-going basis. The owner and operator also has the flexibility to conduct repeat performance tests to re-establish performance tests parameters.

While 40 CFR part 60, subpart MMMM, do not provide for the plus or minus 30-percent allowance that is in 40 CFR part 60, subpart O, the EPA notes that the operating parameter averaging times in subpart MMMM are much longer than the averaging times in subpart O. This is meant to account for the short-term fluctuations in the operating parameter readings and serves a similar purpose to the 30-percent allowance. The EPA does not think that providing the 30-percent allowance on top of the long averaging times is appropriate for ensuring continuous compliance.

Section 62.15985 of 40 CFR part 62 describes how operating limits are established and Table 4 of the federal plan regulatory text describes how to demonstrate compliance with operating parameters limits. For example, minimum combustion chamber temperature is equal to the lowest 4-hour average combustion chamber temperature during the performance test. This is likely the combustion chamber measured over one test run, as the test run for dioxins and furans is likely to last around 4 hours. If this 4-hour average is 1,802 degrees Fahrenheit, the limit is 1,802 degrees Fahrenheit, not 1,800 degrees Fahrenheit. On a continuous basis, the combustion temperature would be measured and recorded at least once every 15 minutes, and those data would be used to calculate hourly arithmetic averages. The hourly average would then be used to calculate a 12-hour block average. The 12-hour block average would be compared to the lowest 4-hour average recorded during the test (1,802 degrees Fahrenheit in this example) to determine compliance. Compliance with the other operating parameter limits are demonstrated similarly according to the specific timeframes noted in 40 CFR 62.15985 and Table 4 for each operating parameter.

Comment: One commenter (12) requests that the EPA considers building some measure of flexibility into the site-specific operating limits. Specifically, the commenter suggests that the enforceable site-specific operating limit could be higher or lower than the limit established during the compliance tests within some defined boundaries. The commenter provides an example: If the lowest total pressure drop during the testing is 40 inches and the particulate matter and the metal emissions rates are all at or below 75-percent of the standards,[17] is EPA willing to reduce the total pressure drop operating limit to 36 inches? The commenter believes that the EPA has allowed this type of flexibility in its 40 CFR part 60, subpart O, and 40 CFR part 503 requirements.

Response: This comment is outside the scope of this action, since EPA is adopting a federal plan that simply implements the underlying requirements of the EG. The EPA thanks the commenters for their valuable feedback and ideas. We will consider making changes to the EG and federal plan to incorporate the suggested revisions in the future. If a particular operating parameter is inappropriate for a site-specific configuration, under 40 CFR 62.16050, 40 CFR 60.8 and 60.13 the facility may submit an alternative monitoring plan to the appropriate EPA regional office.

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[16] See Docket Identification Number EPA–HQ–OAR–2009–0559–0171.

[17] The commenter acknowledges that the EG does allow for reduced frequency of testing for pollutants that are at or below 75-percent of the emissions limits for at least two consecutive years.

Comment: One commenter (12) states that SSI unit owners and operators are concerned they will be required to meet the emissions limits required by the federal plan and the operating parameters immediately after the initial compliance test. Based on conversations with EPA regional staff, the commenter understands that, as long as an SSI unit continues to operate as specified in an existing title V permit or other authorizing document (where there is no title V permit), they are not required to operate the control equipment under the established parameters of the rule's initial compliance test until the compliance date of March 21, 2016 (or earlier date specified by a state implementation plan). The commenter asks the EPA to confirm this in writing.

Response: The EPA reiterates that the final compliance date of the federal plan in March 21, 2016. SSI units will need to be in compliance by that date, including operating within the limits of the operating parameters they establish during the initial performance test. Compliance before the compliance date is encouraged but not required. SSI units subject to state plans may be required to meet earlier compliance dates. The EPA notes that SSI units must also comply with the requirements in their title V operating permits.

Comment: One commenter (16) states that proposed 40 CFR 62.16015 implies that the use of the bypass stack when sewage sludge is not being charged is not an emission standard deviation. Section 62.16015 of 40 CFR part 62 states that use of the bypass stack at any time that sewage sludge is being charged to the SSI unit is an emissions standards deviation for all pollutants listed in Table 2 or 3 of the subpart. The commenter asks the EPA if this interpretation is correct. Similarly, the commenter states that proposed 40 CFR 62.15955 implies that emissions limits and standards do not apply to a bypass stack or vent if sewage sludge is not being combusted. Section 62.15955 of 40 CFR part 62 states that emissions limits and standards apply at all times the unit is operating and during periods of malfunction. The emission limits and standards apply to emissions from a bypass stack or vent while sewage sludge is in the combustion chamber (*i.e.,* until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time). The commenter asks EPA if their interpretation is correct.

The commenter (16) further identified that 40 CFR 62.15970 appears to conflict with 40 CFR 62.15955. Section 62.15970 of 40 CFR part 62 reads, "emission limits and standards apply at all times and during period of malfunction." Section 62.15955 of 40 CFR part 62 includes the proviso "at all times the unit is operating." The commenter interprets the statement, "at all times" as written in 40 CFR 62.15970 to conflict with the implication in 40 CFR 62.15955 that emissions limits and standards apply to a bypass stack while sewage sludge is in the combustion chamber. The commenter points out that the term "operating" as used in the proposed federal plan is not defined. The commenter asks the EPA to clarify if the term "operating" is the period of time when sludge is being combusted in the incinerator, or is the term to mean any period of time that burners are on in the incinerator, regardless of whether or not sludge is being combusted. The commenter also points out that the term "operating limits" is used in the regulations, but the definition of "operating" is not clearly defined.

Similarly, the commenter cites a discussion at 80 FR 23411, which states that "any incident of deviation, resumed operation following shutdown, force majeure . . . are required to be reported to the Administrator." The commenter reiterates that the term "shut-down" is defined as "the period of time after all sewage sludge has been combusted in the primary chamber." The commenter explains that it is common practice for an SSI facility to run out of sludge to incinerate, and is therefore "shutdown" on a regular basis, either weekly or possibly more frequently until they have enough sludge to incinerate. The commenter asks the EPA to clarify whether this discussion in the preamble of the federal plan proposal means that each time an SSI facility runs out of sludge and/or temporarily shuts off the sludge feed to the incinerator for operational reasons, and then resumes burning sludge, the Administrator must be notified. The commenter asserts that "shutdown" by definition can exist with the burners on but with no sludge being combusted. The commenters interprets that this could mean that the term "operation" should be defined as any time sludge is being combusted in the incinerator.

The commenter further states that 40 CFR 62.15970 conflicts with their understanding that, during the time when sludge is not being combusted in the incinerator, it is not a deviation if the natural draft damper is open. Section 62.15970 of 40 CFR part 62 states that for determining compliance with the carbon monoxide (CO) concentration limit using CO CEMS, the correction to 7-percent oxygen does not apply during periods of startup or shutdown. Use the measured CO concentration without correcting for oxygen concentration in averaging with other CO concentrations (corrected to 7-percent oxygen) to determine the 24-hour average value. The commenter explains that CEMS obtain samples from the main incinerator stack, after pollution control equipment. The CEMS does not sample from the natural draft stack, therefore while the natural draft stack is open the CEMS is in essence sampling ambient air and therefore inclusion of the CO concentrations during these times seems irrelevant. The commenter states that CO is still required to be monitored when sludge is not being combusted in the incinerator during a period of shutdown. The commenter asks EPA to clarify why, if emission limits do not apply when sludge is not being combusted, CO must continue to be monitored, which requires the constant operation of a scrubber, a WESP, and an afterburner to obtain a valid CO reading.

Response: The language in 40 CFR 62.16015 is clear in specifying that use of the bypass stack when sewage sludge is charged is a deviation of the standards. Section 62.15955 of 40 CFR part 62 also clearly states that the emission limits and standards apply to emissions from a bypass stack or vent while sewage sludge is in the combustion chamber. EPA disagrees with the commenter that 40 CFR 62.15970 conflicts with 40 CFR 62.15955. The emissions standards apply at all times. While we would expect that the source could meet the emissions limit when not charging sludge (*e.g.,* when burning a fuel such as natural gas), that is not a given. Therefore, we did not provide specific rule language for the use of the stack bypass when sewage sludge is not being charged as the "flip" side to the requirement at 40 CFR 62.16015 and 40 CFR 62.15955.

Defining terms in the federal plan that are not defined in the underlying EG is beyond the scope of this rulemaking. CAA section 129 clearly directs the EPA to structure the rule to include monitoring provisions of parameters relating to the operation of the unit and its pollution control equipment. Furthermore, we believe that the term "operating limit" is sufficiently understood by the regulated community. The EPA points out that the federal plan does define the term "operating day" to mean a 24-hour period between 12:00 midnight and the following midnight during which any amount of sewage sludge is combusted at any time in the SSI unit.[18]

Regarding the differing language "at all times when the unit is operating" in 40 CFR 62.15955 and the language "at all times" in 40 CFR 62.15970, we do not believe that the underlying EG intended any significance to this difference. As discussed in the preamble to that rule, we are clear that the emissions limits and standards apply at all times (see 75 FR 63265 and 75 FR 63282).

The EPA is finalizing the notification requirements as proposed to require that sources notify the Administrator following any incident of deviation, force majeure, intent to stop or start use of CMS, and intent of conducting or rescheduling a performance test. EPA clarifies that notification of resumed operation following shutdown as cited by the commenter at 80 FR 23411 is clear in the rule text. Specifically, the notification of resumed operation following shutdown of the unit is in the context of a qualified operator deviation. See 40 CFR 62.15945(b)(i) and (ii), 40 CFR 62.16030(e), and table 6 in the rule. Please note that the rule requires other notifications associated with a unit ceasing operations or going "offline".[19]

Lastly, 40 CFR 62.15970 clearly states that operating limits only apply when sludge is being combusted including residence time, but the emission limits apply at all times. The definition of bypass stack indicates that the bypass stack's intended purpose is to avoid severe damage to air pollution control devices or other equipment.[20] The EPA did not intend for facilities to use the bypass stack at all times when there is no sewage sludge being burned. Therefore, emissions should generally be routed to the main stack even during periods when sewage sludge is not being burned, and the requirement to continue monitoring the emissions with the CO CEMS is relevant, as compliance with the emission standard is still required during these periods.

Comment: One commenter (16) asks the EPA to clarify if 40 CFR 62.16020 includes periods of time when sludge is not being combusted in the incinerator. Section 62.16020 of 40 CFR part 62 states that if your SSI unit has a bypass stack, you must install, calibrate (to manufacturers' specifications), maintain and operate a device or method for measuring the use of the bypass stack including date, time, and duration. The commenter explains that it is common practice for SSIs to open the bypass stack and "coast" on natural draft during periods when sludge is not being combusted in the incinerator in order to save fuel, electricity, and wear and tear on equipment. The commenter, referencing their comment that they interpret 40 CFR 62.16015 to imply that the use of the bypass damper when sludge is not being combusted in the incinerator is not a deviation, asks whether the recordkeeping and reporting requirements of 40 CFR 62.16020 do not apply while not combusting sludge in the incinerator.

Response: The rule is clear as written. The requirement to install, calibrate, maintain and operate a device or method for measuring the use of the bypass stack including date, time and duration applies when sludge is combusted and when sludge is not combusted.

Comment: One commenter (16) asks the EPA to clarify if 40 CFR 62.16015 is to be interpreted to mean that each daily calibration check, zero and span adjustments, and quarterly and annual calibrations must be reported in a deviation report. Section 62.16015 of 40 CFR part 62 states that any data collected during monitoring system malfunctions, repairs, or required monitoring system quality assurance or control activities must be reported in a deviation report.

Response: As the commenter notes, periods of equipment malfunction, repairs and out-of-control periods are to be reported as deviations. While we do not intend all instances of required quality assurance and quality control activities to be reported as deviations, to the extent that ongoing quality assurance and quality control activities require an amount of time such that an hourly average cannot be determined for that hour consistent with the requirements given in 40 CFR 60.13(h)(2)(iii) (*i.e.*, there are not enough data collected during the hour), those periods should also be reported as deviations. Reporting of such periods informs regulatory authorities when unusual circumstances occur, allowing increased scrutiny as necessary.

Comment: One commenter (16) asks that the EPA clarify how 40 CFR 62.15985 should be interpreted. Section 62.15985 of 40 CFR part 62 states that we must perform checks at least once each process operating day to ensure pressure measurements are not obstructed (*e.g.*, check for pressure tap plugging daily). The commenter explains that their pressure transducers and transmitters operate with a 4 to 20 milliamp signal sent to a controller that monitors the pressure reading and controls the equipment necessary to maintain the operating setpoint. Disconnection of the transducer to check "the tap" causes the signal from the transmitter to send incorrect milliamp signals back to the controller, which in turn can cause the controller to erroneously control the equipment, or, in a worst case scenario, to trigger safety shut-offs of the incinerator itself.

Response: In general, we are not specifying how performance evaluations are to be performed. Due to the many variations in monitoring equipment, the manufacturer of the equipment is the best source for determining the proper technique for performing most performance evaluations. The site-specific monitoring plan must include information on routine quality assurance and quality control procedures. The plan should include not only a schedule for performing the performance evaluations, but also a description of how the evaluations will be performed. Unless specified, the EPA is providing the facility with discretion to determine the best method to perform these evaluations for these site-specific monitoring systems. The facility, in conjunction with the equipment manufacturer, should determine the best manner for demonstrating that the pressure measurements are not obstructed. One example of such a procedure, checking for pressure tap pluggage, is provided, but it is not the only possible option.

Comment: One commenter (16) asks that EPA clarify how 40 CFR 62.15990 should be interpreted. Section 62.15990 of 40 CFR part 62 requires that a "performance evaluation" of a pH meter be performed daily. The commenter explains that companies that provide in-line continuous pH meters are not aware of any feature other than a calibration to demonstrate the accuracy of the meter, and calibrations are only required quarterly. The commenter points out that different regulators may consider the term "performance evaluation" differently, and may in fact consider a calibration as the only good method to determine the performance of the meter, which is not reasonable to do on a daily basis.

Response: In general, we are not specifying how performance evaluations are to be performed. Due to the many variations in monitoring equipment, the EPA believes that the manufacturer of the equipment is the best source for determining the proper technique for performing most performance evaluations. The site-specific monitoring plan must include information on routine quality assurance and quality control procedures. The plan should include not only a schedule for performing the performance evaluations, but also a description of how the evaluations will be performed. Unless specified, the EPA is providing the facility with discretion to determine the best method to perform these evaluations for these site-specific monitoring systems.

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[18] See 40 CFR 62.16045.

[19] For a full list of notification requirements, please see Table 6 of 40 CFR part 62, supart LLL.

[20] Comments received on the 2011 EG and NSPS indicate that bypass stacks are an essential part of the safety equipment and use of the stack indicates that the unit is not operating under normal conditions. See Docket Identification Number EPA–HQ–OAR–2009–0559–0171.

A performance evaluation and a calibration are not meant to be the same thing, although a calibration could certainly suffice in lieu of a performance evaluation. The intent of a performance evaluation is to demonstrate that the equipment is still functioning within a specific degree of accuracy. It is akin to performing a calibration check of a CEMS in lieu of performing a CEMS calibration; in the former, the facility would merely show that the CEMS is still within a certain accuracy of a known standard, but the CEMS would not be adjusted in any way. The EPA has not provided specific examples of a pH meter performance evaluation, but one such example is performing a one-point check on a known buffer solution. The facility, in conjunction with the equipment manufacturer should determine the best manner for demonstrating that the pH meter is reading accurately each day.

Comment: One commenter (16) discusses their overall operations. Their MH unit has been in operation since 1994 and the air pollution control devices include a venturi scrubber, a plate scrubber, a WESP, and a regenerative thermal oxidizer (afterburner). Their standard operating procedure is to initiate the combustion of sludge on Monday, with continuous combustion until Saturday or Sunday depending on the amount of sludge inventory. Once they run out of sludge, charging of sludge to the incinerator is stopped, and the temperature of the SSI unit is stabilized to what they consider to be a cool standby condition (hearth number 3 is at 1,100 degrees Fahrenheit). Approximately 4 hours after the sludge feed is stopped, well past the residence time of sludge in the incinerator, the induced draft fan is shut off and the natural draft damper opens. Monday is then used for preventative maintenance or other work on the unit and pollution control equipment. During the time when the SSI unit is on natural draft, the scrubber, WESP, and afterburner are off-line. This allows the commenter the flexibility of shutting off the WESP and/or the afterburner. Late on Monday, SSI unit temperatures are raised to 1,350 degrees Fahrenheit in preparation of again burning sludge, and the induced draft fan is re-started, placing the scrubber, WESP, and the afterburner back on-line. Then sludge feed to the unit is initiated. This process occurs weekly, possibly more often if unexpected maintenance on any of the SSI unit equipment or pollution control equipment becomes necessary.

The commenter states that the proposed federal plan appears to imply that now any SSI unit owner or operator can never shut the induced draft fan off and coast the incinerator in a cool standby condition with the natural draft damper open even if sludge is not being combusted in the SSI. The commenter believes that this is implied because SSI unit owners and operators are directed to average CO at 7-percent oxygen while combusting sludge and with CO while not combusting sludge, to obtain the 24-hour CO average. CO monitoring probes, however, are only installed on the induced draft fan stack, not on the natural draft stack, so in order to obtain the "average" CO reading, the induced draft fan has to be on-line at all times. Further, the commenter believes it is implied that if the induced draft fan is shut off (even when not combusting sludge), this is a reportable deviation that could subject the facility to enforcement action. The commenter further describes that any facility has to be able to shut off the induced draft fan for preventative maintenance, for other scheduled maintenance, and to save fuel without having it considered a deviation or violation. Additionally, the commenter states that it is not practical to run the induced draft fan when first turning on the burners (start-up) after a cold shutdown. The induced draft fan is not sized for cold air, and the temperatures inside the MH incinerator must be raised slowly, in most cases not more than 50 degrees per hour with several extended periods of "soak" that are intended to protect the refractory and brick. Running the induced draft fan during "start-up" from a cold start requires more fuel and requires electricity, and makes it difficult to properly raise temperatures to the proper burning range. However, 40 CFR 62.15970 implies that CO readings must be obtained at all times after start-up, not just when combusting sludge in the SSI. In order to do this, the induced draft fan must be turned on before the burners are even lit.

Response: Section 62.15970 of 40 CFR part 62 clearly states the emission limits apply at all times. The definition of bypass stack indicates that the bypass stack's intended purpose is to avoid severe damage to air pollution control devices or other equipment.[21] As the commenter infers from the CO CEMS language, the EPA did not intend for facilities to use the bypass stack at all times when there is no sewage sludge being burned, and emissions should generally be routed to the main stack even during periods when sewage sludge is not being burned, except in cases when it is necessary to route emissions to the bypass in order to avoid damage to equipment.

4. Status of State Plans and Federal Plan Delegation

Comment: Multiple commenters (09, 10, 12, 15) request that the EPA update the status of state plans in Table 2 of this preamble. One commenter (09) confirmed that the Minnesota Pollution Control Agency will not be submitting a state plan to the EPA but instead plans to incorporate federal plan requirements into the affected SSI's title V permits once the federal plan is promulgated. One commenter (10) requests that the EPA reflect that the state of Rhode Island submitted a draft state plan to the EPA on October 10, 2014. One commenter (12) identified the state of Virginia as having received EPA approval of its state plan. Another commenter (15) clarifies that they intend to seek delegation of the federal plan for SSI units.

Response: The EPA thanks the commenters for submitting these updates and corrections. We have reflected these changes in the record to this final federal plan and in Table 2, which is included in section II.C. of this preamble.

Comment: Commenters (09, 11, 12, 15) request that the EPA clarify the implementation roles for "states," "locals," and the EPA with respect to the implementation of the EG. One commenter (12) believes that the lack of clarity is particularly an issue in those states where there are both state and local air agencies, but the states have not yet developed a state plan. The commenter requests that the EPA continue to work with state and local regulators to address these concerns. Commenter (11) further outlines that the proposed federal plan does not clearly discuss how the authority to implement the federal plan will be transferred to local air agencies, especially if a state decides not to develop a state plan or further adopt or implement the federal plan. The commenter states that Washington state, where five municipalities operate SSI units, has not expressed a decision to submit a draft state plan to the EPA or take delegation of the federal plan. The commenter is concerned with the outcome of how the three local agencies affected will manage the implementation of the EG. The commenter urges the EPA to work directly and closely with local air agencies in order to clearly and effectively provide authority and technical guidance to SSI unit operators. The commenter believes that such authority should extend to local agencies so they can use their discretion to work with SSI unit operators in determining appropriate final compliance dates as proposed in 40 CFR 62.15875. Another commenter (15) states that they are a local air authority in Washington state that has an approved title V program and has received regular delegation approvals for NSPS and NESHAP regulations (40 CFR part 60 and 63). Their most recent delegation approval from EPA Region 10 was signed on February 19, 2015, for the NSPS for new SSI units at 40 CFR part 60, subpart LLLL. The commenter states that the local agency intends to seek delegation of the federal plan as soon as possible. This local air agency plans to expedite their request for delegation following the final federal plan instructions so that they can address the regulatory gap in the title V permits for units in their district.

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[21] Comments received on the 2011 EG and NSPS indicate that bypass stacks are an essential part of the safety equipment and use of the stack indicates that the unit is not operating under normal conditions. See Docket Identification Number EPA–HQ–OAR–2009–0559–0171.

Response: The EPA is finalizing the delegations of authority provisions as proposed, and clarifying that local agencies may directly request delegation of authority to implement the SSI federal plan with respect to sources within their jurisdiction provided they have authority under state law to do so. While the preamble to the proposal does not specifically address how to address the situation where there are both state and local air agencies and the state has not yet developed a state plan, the EPA stated that it will do all that it can to expedite delegation of the federal plan to state and local agencies in those situations. However, since this involves resolution of issues of state authority, the EPA expects that local agencies will work with their states and the appropriate EPA regional office to resolve these issues affecting their ability to implement the EG under a state plan or delegated federal plan for the area. See 40 CFR 60.26(e). In the meantime, a state or tribe with an approved title V program with authority under state or tribal law to incorporate CAA section 111/129 requirements into its title V permits is able to implement and enforce these requirements in the permitting context. See 80 FR 23413.

As the EPA discussed in the proposed federal plan the EG are not directly enforceable; they are only fully implemented when the EPA either approves a state plan or adopts a federal plan that implements and enforces the EG.[22] Congress has determined that the primary responsibility for air pollution prevention and control rests with state and local agencies. (See section 101(a)(3) of the CAA.) Consistent with that overall determination, Congress established sections 111 and 129 of the CAA with the intent that the state and local agencies take the primary responsibility for ensuring that the emissions limitation and other requirements in the EG are achieved. Also, in section 111(d) of the CAA, Congress explicitly required that the EPA establish procedures that for state CAA section 111(d) plans that are similar to those under CAA section 110(c) for state implementation plans. Although Congress required the EPA to propose and promulgate a federal plan for states that fail to submit approvable state plans on time, states may submit plans after promulgation of the SSI federal plan.

The EPA directs states, tribes, and locals that intend to take delegation of the federal plan to submit to the appropriate EPA regional office a written request for delegation of authority.[23] The requester must explain how they meet the criteria for delegation. The EPA references the "Good Practices Manual for Delegation of NSPS and NESHAP" (EPA, February 1983) as a guidance document for states, tribes, and locals to follow. The EPA clearly describes two mechanisms for transferring authority to state, tribal, and local agencies: (1) EPA approval of a state plan after the federal plan is in effect, and (2) if a state does not submit or obtain approval of its own plan, the EPA delegation of authority to a state, tribal, or local agency to implement certain portions of the federal plan to the extent appropriate and allowed by law. The EPA will generally delegate the entire federal plan to the requesting agency. These functions include administration and oversight of compliance reporting and record keeping requirements, SSI inspections and preparation of draft notices of violation, but will not include authorities retained by the EPA.

Agencies that have taken delegation, as well as the EPA, will have responsibility for bringing enforcement actions against sources violating federal plan provisions. Specifically, the proposed federal plan requires that an acceptable delegation request must include the following: a demonstration of adequate resources and legal authority to administer and enforce the federal plan (*e.g.,* attorney general's (AG's) opinion[24]); an inventory of affected SSI units and their air emissions in addition to their compliance schedules; certification and documentation that a public hearing on the delegation request was held; and a commitment to enter into a memorandum of agreement with the EPA Regional Administrator who sets forth the terms, conditions, and effective date of delegation and that serves as the mechanism for the transfer of authority.[25]

Neither the SSI EG nor the proposed federal plan define "state." "State" is defined in 40 CFR 60.2, however, to mean all non-Federal authorities, including local agencies, interstate associations, and state-wide programs, that have delegated authority to implement: (1) the provisions of the part; and/or (2) the permit program established under part 70 of the chapter. The term state shall have its conventional meaning where clear from the context. Because "state" is not defined in either the SSI EG or proposed federal plan, the broader definition of "state" in 40 CFR 60.2 applies in the SSI federal plan. This is because, as provided in 40 CFR 62.01, all terms not defined therein have the meaning given to them in the CAA and in part 60 of the chapter. Based on the lack of a more specific definition of "state" in the SSI federal plan and the definition of "state" in 40 CFR part 60, we are confirming here that local agencies may directly request delegation of authority to implement the SSI federal plan with respect to sources within their jurisdiction provided they have authority under state law to do so and they have met all the requirements specified in the federal plan for taking delegation. This is in contrast to the situation with state plans implementing EG, in which we believe the request for plan approval must be submitted by the state.[26]

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[22] See the discussion beginning on 80 FR 23411.

[23] See 40 CFR 62.15865 and 40 CFR 62.16050.

[24] A state's AG's opinion that its air agency has the authority to receive delegation and demonstrate that the rule will be implemented and enforced relative to the designated facilities. If an AG's opinion was previously submitted, the opinion should be updated by the attorney general at the time a new delegation request is submitted to the EPA. The AG's opinion will be crucial because promulgated EG are not written as direct requirements for designated facilities, but rather as requirements for the state to ensure that its state plan or delegation request contains enforceable regulations that are at least as protective as those in the EG. See 40 CFR 60.26 and 40 CFR 62.05 for all provisions that should be addressed in an AG's opinion.

[25] Guidance and information is provided in EPA's "Delegations Manual, Item 7–139, Implementation and Enforcement of 111(d)(2) and 111(d)(2)/129(b)(3) Federal Plans."

The EPA strongly encourages state and local agencies in states that do not submit approvable state plans to request delegation of the federal plan so that they can have primary responsibility for implementing the EG, consistent with the intent of Congress. Approved and effective state plans or delegation of the federal plan is the EPA's preferred outcome because states, tribes, territories, and local agencies not only have the responsibility to carry out the EG, but also have the practical knowledge and enforcement resources critical to achieving the highest rate of compliance. It is generally preferable for state and local agencies to be the implementing agencies. The EPA reiterates that we will do all that we can to expedite delegation of the federal plan to state and local agencies, whenever possible, in cases where states are unable to develop and submit approvable state plans.

Comment: One commenter (12) raises concerns regarding the EPA's delay of proposing the federal plan. The commenter specifically states that the delay has exacerbated the difficulties SSI unit owners and operators have faced in implementing the EG, especially given the fact that a majority of states have not chosen to develop their own state plans. The commenter encourages the EPA to move expeditiously to finalize the federal plan.

Response: The EPA acknowledges this comment.

5. Inventory of Units

Comment: One commenter (09) confirms that the EPA has properly identified the two SSI facilities in Minnesota that will be subject to this SSI federal plan. Both facilities are owned and operated by Metropolitan Council Environmental Services, the regional wastewater treatment system operator for the Twin Cities area.

Response: The EPA thanks the commenter for confirming the accuracy of the unit inventory for units in their state.

6. Remand

Comment: Two commenters (11, 12) raise concerns that the EPA has not yet addressed the remand in the Court Decision *NACWA* v. *EPA*. Specifically, commenter (11) believes that the proposed federal plan is ambiguous and confusing and they are in an untenable position to comply. The commenter highlights that this is because of the EPA's delay of issuing the federal plan, issuing associated policy and guidance directives for implementation of the rule, and the EPA's decision to not yet address the remand in the DC Circuit Court decision *NACWA* v. *EPA*, 734 F.3d. 1115. Commenter (12) believes that the EPA must address both the issues raised in its May 29, 2014, Petition for Reconsideration and the rule remand in the DC Circuit Court August 2013 decision in *NACWA* v. *EPA*, 734 F.3d. 1115. The commenter states that it is inappropriate to issue a final federal plan in the absence of the EPA's response to the remand. The commenter believes that the EPA's failure to address the remand puts approximately 100 utilities in an untenable position: Facilities must commit millions of dollars to upgrade their SSI units to comply with emissions standards that the Court has ruled do not clearly meet CAA statutory mandates. The commenter discusses that they outlined further details in their 2014 Petition for Reconsideration that the EPA must either fully address the Court's remand and adjust the final emissions standards as warranted or delay the compliance deadline for the rule to prevent this potentially wasteful expense of taxpayer dollars.

Response: The EPA disagrees that issuance of the federal plan must be delayed until such time as we address the Court's remand of certain issues in *NACWA* v. *EPA*. The Court's remand was solely for the purpose of further explanation of the EPA's methodology. Contrary to one commenter's assertion, the Court did not find that the SSI rule was inconsistent with the CAA. Rather, the Court requested that the EPA better explain how its methodology meets the relevant statutory requirements. Further, the same commenter, which was a party in the NACWA case, requested that the Court vacate the SSI rule, and the Court declined to do so. Therefore, the Court understood and intended that the rule remain in place and that its implementation should move forward while the EPA responds to the remand. For this reason, the EPA also disagrees with the commenter who claimed that the SSI rule requirements are "not even established requirements," since they remain in place.

The EPA also disagrees that the agency must respond to one commenter's 2014 petition for Reconsideration of the SSI rule, submitted following the NACWA decision, before issuing the federal plan. Nothing in the CAA, and specifically nothing in CAA section 129, suggests that the EPA should postpone promulgation of a rule required to be issued by the CAA by a date certain in order to address a petition for reconsideration. Nor does the commenter point to any such authority. Additionally, the petition at issue requests that the EPA withdraw the SSI rule and instead issue a different rule for SSI units under section 112 of the CAA. The EPA notes that the NACWA decision upheld our authority to regulate SSI units under CAA section 129, against a challenge claiming that the EPA must regulate the units under CAA section 112.

7. Other Comments

Comment: One commenter (14) remarks on the interaction of the SSI federal plan and 40 CFR part 503, subpart E. The commenter asks if the federal plan for SSI units will establish different operating limits and reporting requirements that may be different than those established under the Clean Water Act at 40 CFR part 503, subpart E. The commenter requests that the EPA consider a streamlined approach to facilitate a single set of operational parameters for demonstrating compliance.

Response: This comment is outside the scope of the SSI federal plan. However, the EPA discusses the relationship of the rule to other standards for the use or disposal of sewage sludge and associated air emissions in preamble of the March 21, 2011, EG and NSPS for SSI units at 76 FR 15375.

Comment: One commenter (12) discusses that some SSI units are subject to the standard for particulate matter under 40 CFR part 60, subpart O, which establishes emissions limits, monitoring requirements, and recordkeeping requirements that are different than the guidelines and standards for SSI units under 40 CFR part 60, subparts MMMM and LLLL. The commenter gives the example of the requirement for pressure drop, which is different between subpart O and subparts MMMM and LLLL. Specifically, subpart O pressure drop is a 15-minute average while subpart LLLL is a 12-hour average. The commenter is aware of at least one facility that has submitted a request to the EPA to allow the utility to demonstrate compliance with subpart O by demonstrating compliance with subpart LLLL or MMMM. The commenter asks that the EPA clarify whether subpart O is superseded by the requirements of subparts MMMM and LLLL, if both sets of site-specific limits and reporting requirements apply, and whether a site-specific determination is necessary to avoid having to demonstrate compliance with both sets of requirements independently.

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[26] See CAA section 110(a)(2)(e) and CAA section 111(d).

Response: This comment is outside the scope of the SSI federal plan. 40 CFR part 60, subparts O, MMMM, and LLLL remain in effect in the CFR. Any affected facilities would need to comply with both regulations. For the most part, subparts MMMM and LLLL are more stringent than subpart O. Generally, if a facility is in compliance with the more stringent of the regulations, it would be in compliance with the other less stringent regulation. The EPA recognizes the differences between subpart O and subparts MMMM and LLLL. However, subparts MMMM and LLLL do not relieve SSI units of complying with subpart O, and therefore an owner/operator of an SSI unit that is affected by subpart MMMM or LLLL and subpart O would need to comply with both. For the scrubber pressure drop example, subpart O does require a much shorter averaging time (15-minute average versus 12-hour average), but a facility would only need to identify when this 15-minute average is 30-percent below the average pressure drop during the performance test. Subparts MMMM and LLLL do not have the 30-percent allowance. Additionally, subparts MMMM and LLLL require data recording at 15-minute intervals, so facilities should already have the 15-minute average. Therefore, we do not believe that it is unreasonable or overly burdensome to comply with both limits.

B. Affirmative Defense to Malfunctions

As proposed, this final action does not include an affirmative defense to malfunction events. In the 2011 SSI rule, the EPA included an affirmative defense that provided that civil penalties would not be assessed if a source demonstrated in a judicial or administrative proceeding that it had met certain requirements. However, in 2014 the Court vacated such an affirmative defense in one of the EPA's CAA section 112(d) regulations. *NRDC* v. *EPA*, 749 F.3d 1055 (D.C. Cir. 2014).[27] The EPA intends to revise the March 21, 2011, SSI EG and NSPS to remove the affirmative defense provision from the EG and NSPS in the future.

V. Summary of Final SSI Federal Plan Requirements

The SSI federal plan requirements are described below. Table 4 lists each element and identifies where it is located or codified.

TABLE 4—ELEMENTS OF THE FINAL SSI FEDERAL PLAN

Element of the SSI Federal plan	Location
Legal authority and enforcement mechanism	Sections 129(b)(3), 111(d), 301(a),and 301(d)(4) of the CAA.
Inventory of affected SSI units	Docket ID No. EPA–HQ–OAR–2012–0319.
Inventory of emissions	Docket ID No. EPA–HQ–OAR–2012–0319.
Compliance schedules	40 CFR 62.15875 to 62.15915.
Emissions limits and operating limits	40 CFR 62.15955 to 62.16010.
Operator training and qualification	40 CFR 62.15920 to 62.15950.
Testing, monitoring, recordkeeping and reporting	40 CFR 62.16015 to 62.16040.
Record of public hearings	Docket ID No. EPA–HQ–OAR–2012–0319.
Progress reports	Section IV.I. at 80 FR 23407.

A. What are the final applicability requirements?

The EPA finalizes the federal plan applicability requirements as proposed. The federal plan applies to existing SSI units meeting the applicability of 40 CFR 62.15855 through 62.15870 that are located in any state that does not currently have an approved state plan in place by the effective date of this federal plan. Existing SSI units are considered to be all SSI units for which construction commenced on or before October 14, 2010. All SSI units for which construction commenced after October 14, 2010, or for which modification commenced after September 21, 2011, are considered "new" sources subject to NSPS emissions limits (40 CFR part 60, subpart LLLL).

The federal plan requirements apply to owners and operators of SSI units (as defined in 40 CFR 62.16045) located at wastewater treatment facilities designed to treat domestic sewage sludge. Two subcategories are defined for existing units: MH incinerators and FB incinerators. The combustion of sewage sludge that is not burned in an SSI unit located at a wastewater treatment facility designed to treat domestic sewage sludge may be subject to other incineration standards under the CAA.

B. What are the final compliance schedules?

The EPA finalizes the compliance date as proposed. The final compliance date remains March 21, 2016. However, as discussed in section IV.A. of this preamble, the EPA is revising this section to require that all SSI unit owners or operators submit a final control plan and achieve compliance by March 21, 2016. (See 40 CFR 62.15875 through 62.15915).

The owner or operator must notify the EPA and permitting authority or delegated authority when they have submitted their final control plan and have come into compliance, as well as when and if these requirements are missed. The notification must identify the requirement and the date the requirement is achieved (or missed). If an owner or operator misses the deadline, the owner or operator must also notify the EPA and permitting authority or delegated authority when the requirement is achieved. The owner or operator must submit the notification to the applicable EPA regional office and permitting authority or delegated authority within 10 business days after the date that is defined in the federal plan. (See Table 3 under section II.C. of this preamble for a list of EPA regional offices.)

The definition of each requirement, along with its required completion date, follows.

Submit Final Control Plan. To meet this requirement, the owner or operator of each SSI unit must submit a plan that includes a description of the devices for air pollution control and process changes that will be used to comply with the emissions limits and standards and other requirements of this subpart, a description of the type(s) of waste to be burned (if other than sewage sludge is burned in the unit), the maximum design sewage sludge burning capacity, and, if applicable, the petition for site-specific operating limits under 40 CFR 62.15965. A copy of the final control plan must be maintained onsite. A final control plan is not required for units that will be shut down prior to the final control plan submittal date.

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[27] See 80 FR 23407.

Completion date: March 21, 2016.

Final Compliance. To be in final compliance means to complete all process changes and retrofit construction of control devices as specified in the final control plan, so that if the SSI unit is brought online, all necessary process changes and air pollution control devices are operating as designed.

Completion date: March 21, 2016.

Consistent with CAA section 129(f)(3), an SSI unit which does not achieve final compliance by March 21, 2016, would be in violation of the federal plan and subject to enforcement action. See Section VI of this preamble which discusses SSI units that have shut down or will shut down. The discussion in those sections includes an explanation of requirements for units if they plan to permanently close, units that have been rendered inoperable, and units that have shut down but plan to restart before or after the compliance date.

C. What are the final emissions limits and operating limits?

The EPA finalizes the emissions and operating limits as proposed. These limits remain the same as the limits in the 2011 EG. Table 5 of this preamble summarizes the EG emissions limits promulgated. Existing sources may comply with either the PCDD/PCDF toxicity equivalence or total mass balance emission limits. These standards apply at all times. Facilities will be required to establish site-specific operating limits derived from the results of performance testing. The site-specific operating limits are established as the minimum (or maximum, as appropriate) operating parameter value measured during the performance test. These operating limits will result in achievable operating ranges that will ensure that the control devices used for compliance will be operated to achieve continuous compliance with the emissions limits. Further discussion on performance testing can be found in section V.D. of this preamble.

TABLE 5—SUMMARY OF EG EMISSIONS LIMITS PROMULGATED FOR EXISTING SSI

Pollutant	Units	Emission limit for MH incinerators	Emission limit for FB incinerators
Cd	milligrams per dry standard cubic meter @7-percent oxygen.	0.095	0.0016.
CO	parts per million of dry volume @ 7-percent oxygen.	3,800	64.
HCl	parts per million of dry volume @ 7-percent oxygen.	1.2	0.51.
Hg	mg/dscm @7-percent oxygen	0.28	0.037.
NO_X	parts per million of dry volume @ 7-percent oxygen.	220	150.
Pb	milligrams per dry standard cubic meter @7-percent oxygen.	0.30	0.0074.
PCDD/PCDF, Toxicity Equivalence (TEQ).	nanograms per dry standard cubic meter @7-percent oxygen.	0.32	0.10.
PCDD/PCDF, Total Mass Basis (TMB).	nanograms per dry standard cubic meter @7-percent oxygen.	5.0	1.2.
PM	milligrams per dry standard cubic meter @7-percent oxygen.	80	18.
SO_2	parts per million of dry volume @ 7-percent oxygen.	26	15.
Fugitive emissions from ash handling.	Percent of the hourly observation period.	Visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) for no more than 5 percent of any compliance test hourly observation period.	Visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) for no more than 5 percent of any compliance test hourly observation period.

D. What are the final performance testing and monitoring requirements?

The EPA finalizes the performance testing and monitoring provisions as proposed. The following paragraphs list a number of testing and monitoring requirements in the 2011 EG that are being finalized in the SSI federal plan.

1. Performance Testing

The performance testing provisions reflect those in the SSI EG. The federal plan requires all existing SSI units to demonstrate initial and annual compliance with the emission limits using EPA-approved emission test methods. Additionally, there is an option for less frequent testing if sources demonstrate that their emissions of regulated pollutants are below thresholds of the emission limits.

This federal plan requires initial and annual emissions performance tests (or continuous emissions monitoring or continuous sampling as an alternative), bag leak detection systems for fabric filter (FF) controlled units, and continuous parameter monitoring, if they are used to meet the emission limits. All SSI units are also required to conduct initial and annual inspections of air pollution control devices. Additional monitoring includes the Method 22 (see 40 CFR part 60, appendix A–7) visible emissions test of the ash handling operations during each compliance test to demonstrate compliance with the visible emissions limit. For existing SSI units, use of Cd, CO, HCl, NO_X, PM, Pb or SO_2 CEMS; Integrated Sorbent Trap Mercury Monitoring System (ISTMMS); and Integrated Sorbent Trap Dioxin Monitoring System (ISTDMS) (continuous sampling with periodic sample analysis) are approved alternatives to parametric monitoring and annual compliance testing.

The federal plan allows sources to use results of their previous emissions tests to meet the initial compliance performance test requirement if those tests were conducted within the 2 previous years and were conducted under the same conditions. The operating limits established during the most recent performance test that demonstrated initial compliance with the emissions limits must be met.

The federal plan incorporates by reference three alternatives to the EPA reference test methods as shown in Table 6 below.

TABLE 6—LIST OF INCORPORATION BY REFERENCE

Test method	Publisher	IBR in 40 CFR part 62, subpart LLL
ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus].	Available for purchase from the American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016–5990, *https://www.asme.org/*.	§ 62.16015(b)(4)(vii) and (viii), (b)(5)(i), and Tables 2 and 3 to subpart LLL.
ASTM D6784–02 (Reapproved 2008) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), approved April 1, 2008.	Available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106, *http://www.astm.org/*.	§ 62.16015(b)(4)(v) and Tables 2 and 3 to subpart LLL.
OAQPS Fabric Filter Bag Leak Detection Guidance, EPA–454/R–98–015, September 1997.	Available from the U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272–0167, *http://www.epa.gov*.	§ 62.15995(b)(3).

These tests are discussed further in section IX.I. of this preamble, titled "National Technology Transfer and Advancement Act (NTTAA)."

2. Monitoring

Monitoring of operating limits can be used to indicate whether air pollution control equipment and practices are functioning properly to minimize air pollution. The 2011 EG and the federal plan include the following parameter monitoring requirements for good combustion, wet scrubbers, afterburners, electrostatic precipitators (ESP), activated carbon injection (ACI) or FF:

- All units must establish a minimum operating temperature or afterburner temperature, site-specific operating requirements for fugitive ash, and monitor feed rate and moisture content of the sludge.
- If using a scrubber to comply with the emissions limits for PM, Pb and Cd, continuously monitor minimum pressure drop.
- If using a scrubber to comply with any of the emissions limits, continuously monitor minimum scrubber liquid flow rate.
- If using a scrubber to comply with the emissions limits for SO_2 or HCl, continuously monitor minimum scrubber liquid pH.
- If using an afterburner to comply with the emissions limits, continuously monitor the minimum temperature of the afterburner combustion chamber.
- If using an ESP to comply with PM, Pb and Cd emissions limits, continuously monitor minimum power input to the ESP collection plates. Power input must be calculated as the product of the secondary voltage and secondary amperage to the ESP collection plates. Both the secondary voltage and secondary amperage must be recorded during the performance test.
- If using an ESP to comply with PM, Pb and Cd emissions limits, monitor hourly minimum effluent water flow rate at the outlet of the ESP.
- If using ACI to comply with the emissions limits, monitor hourly minimum Hg sorbent inject rate, minimum PCDD/PCDF sorbent injection rate, and continuously monitor minimum carrier gas flow rate or minimum carrier gas pressure drop for the applicable emission limit.
- If using a FF, install a bag leak detection system and operate the bag leak detection system such that the alarm does not sound more than 5-percent of the operating time during a 6-month period.
- If using something other than a wet scrubber, ESP, ACI, FF or afterburner, petition the Administrator for other site-specific operating parameters, operating limits, and averaging periods to be established during the initial performance test and continuously thereafter.

Owners or operators are not required to establish operating limits for the operating parameters for a control device if a CMS is used to demonstrate compliance with the emissions limits.

3. Electronic Data Submittal

The EPA is finalizing as proposed that owners and operators of SSI units are required to submit electronic copies of certain required performance test reports through the EPA's Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI). This mirrors the 2011 EG for SSI units. As stated in the proposed preamble, electronic submittal of the reports addressed in this rulemaking will increase the usefulness of the data contained in those reports, is in keeping with current trends in data availability, will further assist in the protection of public health and the environment and will ultimately result in less burden on the regulated community. Electronic reporting can also eliminate paper-based, manual processes, thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors and providing data quickly and accurately to the affected facilities, air agencies, the EPA and the public.

As mentioned in the preamble of the proposal, the EPA Web site that stores the submitted electronic data, WebFIRE, will be easily accessible and will provide a user-friendly interface that any stakeholder could access. By making the records, data and reports addressed in this rulemaking readily available, the EPA, the regulated community and the public will benefit when the EPA conducts its CAA-required technology and risk-based reviews. As a result of having reports readily accessible, our ability to carry out comprehensive reviews will be increased and achieved within a shorter period of time.

We anticipate fewer or less substantial information collection requests (ICRs) in conjunction with prospective CAA-required technology and risk-based reviews may be needed. We expect this to result in a decrease in time spent by industry to respond to data collection requests. We also expect the ICRs to contain less extensive stack testing provisions, as we will already have stack test data electronically. Reduced testing requirements would be a cost savings to industry. The EPA should also be able to conduct these required reviews more quickly. While the regulated community may benefit from a reduced burden of ICRs, the general public benefits from the agency's ability to provide these required reviews more quickly, resulting in increased public health and environmental protection.

Air agencies could benefit from more streamlined and automated review of the electronically submitted data. Having reports and associated data in electronic format will facilitate review through the use of software "search" options, as well as the downloading and analyzing of data in spreadsheet format. The ability to access and review air emission report information electronically will assist air agencies to more quickly and accurately determine compliance with the applicable regualtions, potentially allowing a faster response to violations which could minimize harmful air emissions. This benefits both air agencies and the general public.

For a more thorough discussion of electronic reporting required by this rule, see the discussion in the preamble of the proposal. In summary, in addition to supporting regulation development, control strategy development, and other air pollution control activities, having an electronic database populated with performance test data will save industry, air agencies, and the EPA significant time, money, and effort while improving the quality of emission inventories, air quality regulations, and enhancing the public's access to this important information.

E. What are the final recordkeeping and reporting requirements?

The EPA finalizes the recordkeeping and reporting requirements as proposed. These requirements reflect those finalized in the 2011 EG. The federal plan requires that records of all initial and all subsequent stack or performance specification (PS) tests, deviation reports, operating parameter data, continuous monitoring data, maintenance and inspections of air pollution control devices, monitoring plan, and operator training and qualification must be maintained for 5 years. The results of the stack tests and PS test and values for operating parameters are required to be included in initial and subsequent compliance reports. Any incident of deviation, resumed operation following shutdown, force majeure, intent to stop or start use of CMS, and intent of conducting or rescheduling a performance test are required to be reported to the Administrator. Furthermore, final compliance reports are required following the completion of each requirement and identifying any missed requirement. See section V.B of this preamble for a more detailed discussion of the compliance schedules.

F. What other requirements is the EPA finalizing?

The EPA finalizes other requirements as proposed. First, owners and operators of existing SSI units are required to meet operator training and qualification requirements, which include: Ensuring that at least one operator or supervisor per facility complete the operator training course, that qualified operator(s) or supervisor(s) complete an annual review or refresher course specified in the regulation and that they maintain plant-specific information, updated annually, regarding training.

Second, owners or operators of existing SSI units are required to submit a monitoring plan for any CMS or bag leak detection system used to comply with the rule. Third, they must also submit a monitoring plan for their ash handling system that specifies the operating procedures they will follow to ensure that they meet the fugitive ash emissions limit.

VI. SSI Units That Have or Will Shut Down

A. Units That Plan To Close

The federal plan establishes that if owners or operators plan to permanently close currently operating SSI units, they must do so and submit a closure notification to the Administrator by the date the final control plan is due. The requirements for closing an SSI unit will be set forth at 40 CFR 62.15915, subpart LLL. The requirements to close an SSI unit also apply to "mothballed unit" or inactive unit situations which a unit does not operate and is not rendered inoperable. Until such time as a unit is permanently closed, it must comply with any applicable requirements of the federal plan. In addition, while still in operation, the SSI unit is subject to the same requirements for title V operating permits that apply to units that will not shut down.

B. Inoperable Units

The federal plan provides that in cases where an SSI unit has already shut down permanently and has been rendered inoperable (*e.g.*, waste charge door is welded shut, stack is removed, combustion air blowers removed, burners or fuel supply appurtenances are removed), the SSI unit may be left off the source inventory in a state plan or this proposed federal plan. An SSI unit that has been rendered inoperable would not be covered by the federal plan.

C. SSI Units That Have Shut Down

The unit inventory for this federal plan includes any SSI unit that are known to have already shut down (but are not known to be inoperable).

1. Restarting Before the Final Compliance Date

If the owner or operator of an inactive SSI unit plans to restart before the final compliance date, the owner or operator must submit the final control plan and achieve final compliance by the final date specified in the federal plan. Final compliance is required for all pollutants and all SSI units no later than the final compliance date, March 21, 2016.

2. Restarting After the Final Compliance Date

As proposed, if the owner or operator of an SSI unit closes the SSI unit, but restarts the unit after the final compliance date of March 21, 2016, the owner or operator must complete emission control retrofits and meet the emissions and operating limits on the date the SSI unit restarts operation. Within 6 months of the unit startup, operator(s) of these SSI units would have to complete the operator training and qualification requirements. Within 60 days of installing an air pollution control device, operator(s) must conduct a unit inspection. Performance testing to demonstrate initial compliance would also be required as described at 40 CFR 62.15980. An SSI unit that operates out of compliance after the final compliance date would be in violation of the federal plan and subject to enforcement action.

VII. Implementation of the Federal Plan and Delegation

A. Background of Authority

Under sections 111(d) and 129(b) of the CAA, the EPA is required to adopt EG that are applicable to existing solid waste incineration units. These EG are fully implemented when the EPA approves a state plan or adopts a federal plan that implements and enforces the EG. As discussed above, the federal plan regulates SSI units in states that do not have approved plans in effect to implement the EG.

Congress has determined that the primary responsibility for air pollution prevention and control rests with state and local agencies. (See section 101(a)(3) of the CAA.) Consistent with that overall determination, Congress established sections 111 and 129 of the CAA with the intent that the state and local agencies take the primary responsibility for ensuring that the emissions limitations and other requirements in the EG are achieved.

Also, in section 111(d) of the CAA, Congress explicitly required that the EPA establish procedures that are similar to those under CAA section 110(c) for state implementation plans. Although Congress required the EPA to propose and promulgate a federal plan for states that fail to submit approvable state plans on time, states may submit plans after promulgation of the SSI federal plan. The EPA strongly encourages states that are unable to submit approvable plans to request delegation of the federal plan so that they can have primary responsibility for implementing the revised EG, consistent with the intent of Congress.

Approved and effective state plans or delegation of the federal plan to state, tribal, and local agencies is the EPA's preferred outcome because state, tribal, and local agencies not only have the responsibility to carry out the revised EG, but also have the practical knowledge and enforcement resources critical to achieving the highest rate of compliance. It is generally preferable for the state and local agencies to be the implementing agency. For these reasons, the EPA will do all that it can to expedite delegation of the federal plan to state, tribal, and local agencies, whenever possible, in cases where states are unable to develop and submit approvable state plans.

B. Mechanisms for Transferring Authority

There are two mechanisms for transferring implementation authority to state, tribal, and local agencies: (1) The EPA approval of a state plan after the federal plan is in effect; and (2) if a state does not submit or obtain approval of its own plan, the EPA delegation to a state, tribe, or local of the authority to implement certain portions of this federal plan to the extent appropriate and if allowed by state law. Both of these options are described in more detail below.

1. Federal Plan Becomes Effective Prior to Approval of a State Plan

After SSI units in a state become subject to the federal plan, the state or tribal agency may still adopt and submit a state or tribal plan to the EPA. If the EPA determines that the state or tribal plan is as protective as the EG, the EPA will approve the state or tribal plan. If the EPA determines that the plan is not as protective as the EG, the EPA will partially approve or disapprove the plan (or portion of the plan) and the SSI units covered in the plan would remain subject to the federal plan until a plan covering those SSI units is approved and effective. Prior to disapproval, the EPA will work with states and tribes to attempt to reconcile areas of the plan that remain not as protective as the EG.

Upon the effective date of a state or tribal plan, the federal plan would no longer apply to SSI units covered by such a plan and the state, tribe, territory, or local agency would implement and enforce the state plan in lieu of the federal plan. When an EPA regional office approves a state or tribal plan, it will amend the appropriate subpart of 40 CFR part 62 to indicate such approval.

2. State, Tribe, Territory, or Local Takes Delegation of the Federal Plan

The EPA, in its discretion, may delegate to state, tribe, territorial, or local agencies the authority to implement this federal plan. As discussed above, the EPA has concluded that it is advantageous and the best use of resources for states, tribes, territories, or local agencies to agree to undertake, on the EPA's behalf, administrative and substantive roles in implementing the federal plan to the extent appropriate and where authorized by state, tribal, territorial or local law. If a state, tribe, territory, or local requests delegation, the EPA will generally delegate the entire federal plan to the state, tribe, territory, or local agency. These functions include administration and oversight of compliance reporting and recordkeeping requirements, SSI unit inspections and preparation of draft notices of violation, but will not include any authorities retained by the EPA. Agencies that have taken delegation, as well as the EPA, will have responsibility for bringing enforcement actions against sources violating federal plan provisions.

C. Implementing Authority

The EPA Regional Administrators have been delegated the authority for implementing the SSI federal plan. All reports required by the federal plan should be submitted to the appropriate Regional Administrator. Section II.C of this preamble includes Table 3 that lists names and addresses of the EPA regional office contacts and the states they cover.

D. Delegation of the Federal Plan and Retained Authorities

If a state, tribe, territory, or local agency intends to take delegation of the federal plan, the state, tribe, territory, or local agency should submit to the appropriate EPA regional office a written request for delegation of authority. The state, tribe, territory, or local agency should explain how it meets the criteria for delegation. See generally "Good Practices Manual for Delegation of NSPS and NESHAP" (EPA, February 1983). The letter requesting delegation of authority to implement the federal plan should: (1) demonstrate that the state, tribe, territory, or local agency has adequate resources, as well as the legal and enforcement authority to administer and enforce the program, (2) include an inventory of affected SSI units, which includes those that have ceased operation, but have not been dismantled or rendered inoperable, include an inventory of the affected units' air emissions and a provision for state progress reports to the EPA, (3) certify that a public hearing is held on the state, tribe, territory, or local agency delegation request, and (4) include a memorandum of agreement between the state, tribe, territory, or local agency and the EPA that sets forth the terms and conditions of the delegation, the effective date of the agreement and the mechanism to transfer authority. Upon signature of the agreement, the appropriate EPA regional office would publish an approval notice in the **Federal Register**, thereby incorporating the delegation of authority into the appropriate subpart of 40 CFR part 62.

If authority is not delegated to a state, tribe, territory, or local agency the EPA will implement the federal plan. Also, if a state, tribe, territory, or local agency fails to properly implement a delegated portion of the federal plan, the EPA will assume direct implementation and enforcement of that portion. The EPA will continue to hold enforcement authority along with the state, tribe, territory, or local agency even when the agency has received delegation of the federal plan. In all cases where the federal plan is delegated, the EPA will retain and will not transfer authority to a state, tribe, or local to approve the following items promulgated in the 2011 EG and NSPS:

1. Alternatives to the emissions limits in Table 5 of this document
2. Approval of major alternatives to monitoring;
3. Approval of major alternatives to recordkeeping and reporting;
4. Alternative site-specific operating parameters established by facilities using controls other than a scrubber, ESP, afterburner, ACI or FF;
5. Approval of operation of an SSI unit and receipt of status reports when a qualified operator is not accessible for 2 weeks or more; and
6. Performance test and data reduction waivers under 40 CFR 60.8(b).

SSI unit owners or operators who wish to petition the agency for any alternative requirement should submit a request to the Regional Administrator with a copy sent to the appropriate state.

VIII. Title V Operating Permits

All existing SSI units regulated under state, tribal, or federal plans implementing the 2011 EG must apply for and obtain a title V permit. These title V operating permits assure compliance with all applicable requirements for regulated SSI units, including all applicable CAA section 129 requirements.[28]

The permit application deadline for a CAA section 129 source applying for a title V operating permit depends on when the source first becomes subject to the relevant title V permits program. For example, if the SSI unit is an existing unit and is not subject to an earlier permit application deadline, the source must submit a complete title V permit application by the earliest of the following dates:

- Twelve months after the effective date of any applicable EPA-approved CAA sections 111(d)/129 plan (*i.e.,* approved state or tribal plan that implements the SSI EG); or
- Twelve months after the effective date of any applicable federal plan; or
- Thirty-six months after promulgation of 40 CFR part 60, subpart MMMM (*i.e.,* March 21, 2014).

For any existing SSI unit not subject to an earlier permit application deadline, the application deadline of March 21, 2014, applies regardless of whether or when any applicable federal plan is effective, or whether or when any applicable CAA sections 111(d)/129 plan is approved by the EPA and becomes effective. (See CAA sections 129(e), 503(c), 503(d), 502(a), and 40 CFR 70.5(a)(1)(i) and 71.5(a)(1)(i).)

If the SSI unit is subject to title V as a result of some triggering requirement(s) other than those mentioned above (for example, an SSI unit may be a major source or part of a major source), then the owner/operator of the source may be required to apply for a title V permit prior to the deadlines specified above. If more than one requirement triggers a source's obligation to apply for a title V permit, the 12-month time frame for filing a title V permit application is triggered by the requirement which first causes the source to be subject to title V.[29]

For more background information on the interface between CAA section 129 and title V, including the EPA's interpretation of CAA section 129(e), as well as information on submitting title V permit applications, updating existing title V permit applications and reopening existing title V permits, see the final federal plan for Commercial and Industrial Solid Waste Incinerators, October 3, 2003 (68 FR 57518, 57532). See also the final federal plan for Hospital Medical Infectious Waste Incinerators, August 15, 2000 (65 FR 49868, 49877).

A. Title V and Delegation of a Federal Plan

As noted previously, issuance of a title V permit is not equivalent to the approval of a state or tribal plan or delegation of a federal plan.[30] Legally, delegation of a standard or requirement results in a delegated state, local, or tribe standing in for the EPA as a matter of federal law. This means that obligations a source may have to the EPA under a federally promulgated standard become obligations to a state, tribe, or local (except for functions that the EPA retains for itself) upon delegation.[31] Although a state, local, or tribe may have the authority under state, local, or tribal law to incorporate CAA section 111/129 requirements into its title V permits, and implement and enforce these requirements in these permits without first taking delegation of the CAA section 111/129 federal plan, the state, local, or tribe is not standing in for the EPA as a matter of federal law in this situation. Where a state, local, or tribe does not take delegation of a section 111/129 federal plan, obligations that a source has to the EPA under the federal plan continue after a title V permit is issued to the source. As a result, the EPA continues to maintain that an approved 40 CFR part 70 operating permits program cannot be used as a mechanism to transfer the authority to implement and enforce the federal plan from the EPA to a state, local, or tribe.

As mentioned above, a state, local, or tribe may have the authority under state, local, or tribal law to incorporate CAA section 111/129 requirements into its title V permits, and implement and enforce these requirements in that context without first taking delegation of the CAA section 111/129 federal plan.[32] Some states, locals, or tribes, however, may not be able to implement and enforce a CAA section 111/129 standard in a title V permit under state, local, or tribal law until the CAA section 111/129 standard has been delegated. In these situations, a state, local, or tribe should not issue a 40 CFR part 70 permit to a source subject to a federal plan before taking delegation of the section 111/129 federal plan.

However, if a state or tribe can provide an AG's opinion delineating its authority to incorporate CAA section 111/129 requirements into its title V permits, and then implement and enforce these requirements through its title V permits without first taking delegation of the requirements, then a state, local, or tribe does not need to take delegation of the CAA section 111/129 requirements for purposes of title V permitting.[33] In practical terms, without approval of a state or tribal plan, delegation of a federal plan, or an adequate AG's opinion, states, locals, and tribes with approved 40 CFR part 70 permitting programs open themselves up to potential questions regarding their authority to issue permits containing CAA section 111/129 requirements and to assure compliance with these requirements. Such questions could lead to the issuance of a notice of deficiency for a state's or tribe's 40 CFR part 70 program. As a result, prior to a state, local, or tribal permitting authority drafting a part 70 permit for a source subject to a CAA section 111/129 federal plan, the state, local, or tribe, the EPA regional office and source in question are advised to ensure that delegation of the relevant federal plan has taken place or that the permitting authority has provided to the EPA regional office an adequate AG's opinion.

In addition, if a permitting authority chooses to rely on an AG's opinion and not take delegation of a federal plan, a CAA section 111/129 source subject to the federal plan in that state must simultaneously submit to both the EPA and the state, local, or tribe all reports required by the standard to be submitted to the EPA. Given that these reports are necessary to implement and enforce the CAA section 111/129 requirements when they have been included in title V permits, the permitting authority needs to receive these reports at the same time as the EPA.

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[28] 40 CFR 70.2, 70.6(a)(1), 71.2, and 71.6(a)(1).

[29] CAA Section 503(c) and 40 CFR 70.3(a) and (b), 70.5(a)(1)(i), 71.3(a) and (b) and 71.5(a)(1)(i).

[30] See, *e.g.,* the "Title V and Delegation of a Federal Plan" section of the proposed federal plan for Commercial Industrial Solid Waste Incinerators (CISWI), November 25, 2002 (67 FR 70640, 70652). The preamble language from this section in the proposed federal plan for CISWI was reaffirmed in the final federal plan for CISWI, October 3, 2003 (68 FR 57518, 57535).

[31] If the Administrator chooses to retain certain authorities under a standard, those authorities cannot be delegated, *e.g.,* alternative methods of demonstrating compliance.

[32] The EPA interprets the phrase "assure compliance" in CAA section 502(b)(5)(A) to mean that permitting authorities will implement and enforce each applicable standard, regulation or requirement which must be included in the title V permits the permitting authorities issue. *See* definition of "applicable requirement" in 40 CFR 70.2. See also 40 CFR 70.4(b)(3)(i) and 70.6(a)(1).

[33] It is important to note that an AG's opinion submitted at the time of initial title V program approval is sufficient if it demonstrates that a state or tribe has adequate authority to incorporate CAA section 111/129 requirements into its title V permits and to implement and enforce these requirements through its title V permits without delegation.

In the situation where a permitting authority chooses to rely on an AG's opinion and not take delegation of a federal plan, the EPA regional offices will be responsible for implementing and enforcing CAA section 111/129 requirements outside of any title V permits. Moreover, in this situation, the EPA regional offices will continue to be responsible for developing progress reports and conducting any other administrative functions required under this federal plan or any other CAA section 111/129 federal plan. See, *e.g.*, section V.B of this preamble titled "What are the final compliance schedules?".

It is important to note that the EPA is not using its authority under 40 CFR 70.4(i)(3) to request that all states, locals, and tribes which do not take delegation of this federal plan submit supplemental AG's opinions at this time. However, the EPA regional offices shall request, and permitting authorities shall provide, such opinions when the EPA questions a state's or tribe's authority to incorporate CAA section 111/129 requirements into a title V permit and implement and enforce these requirements in that context without delegation.

IX. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action rather finalizes the SSI federal plan to implement the EG adopted on March 21, 2011,[34] for those states that do not have a state plan implementing the EG.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. EG for owners of existing SSI units were established by the March 21, 2011, final rule (76 FR 15372), and that rule was certified as not having a significant economic impact on a substantial number of small entities. This action establishes a federal plan to implement and enforce those requirements in those states that do not have their own EPA-approved state plan for implementing and enforcing the requirements.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty or any state, local, or tribal government or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. The EPA is not aware of any SSI units owned or operated by Indian tribal governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Orders 12866.

This action is not a "significant energy action" because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action involves technical standards. Please reference Table 6 of this preamble for the locations where these standards are available. The EPA has decided to use ANSI/ASME PTC 19.10–1981, "Flue and Exhaust Gas Analyses," for its manual methods of measuring the oxygen or carbon dioxide content of the exhaust gas. These parts of ASME PTC 19.10–1981 are acceptable alternatives to EPA Methods 6, 7 for the manual procedures only. The EPA determined that this standard is reasonably available because it is available for purchase. Another voluntary consensus standards (VCS), ASTM D6784–02 (Reapproved 2008), "Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method)" for its manual method of measuring mercury is an acceptable alternative to Method 29 and 30B. The EPA determined that this standard is reasonably available because it is available for purchase. The EPA further determined to use OAQPS Fabric Filter Bag Leak Detection Guidance, EPA–454/R–98–015, September 1997, for its guidance on the use of tiboelectic monitors as bag leak detectors for a fabric filter air pollution control device and monitoring system decriptions, selection, installation, set up, adjustment, operation, and quality assurance procedures. The EPA determined that this standard is reasonably available because it is freely available from the EPA. Lastly, the EPA decided to use EPA Methods 5, 6, 6C, 7, 7E, 9, 10, l0A, l0B, 22, 23, 26A, 29 and 30B. No VCS were found for EPA Method 9 and 22.

While the EPA has identified 23 VCS as being potentially applicable to the rule, we have decided not to use these VCS in this rulemaking. The use of these VCS would be impractical because they do not meet the objectives of the standards cited in this rule. See the docket for the 2011 EG (Docket ID No. EPA–HQ–OAR–2009–0539), which is being implemented under this action, for the reason for these determinations.

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[34] See 76 FR 15372, March 21, 2011.

Under 40 CFR 62.16050, the EPA Administrator retains the authority of approving alternate methods of demonstrating compliance as established under 40 CFR 60.8(b) and 40 CFR 60.13(i), subpart A (NSPS General Provisions). A source may apply to the EPA for permission to use alternative test methods or alternative monitoring requirements in place of any required EPA test methods, performance specifications, or procedures.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA has concluded that the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations. This finding is based on an analysis of demographic data conducted for the 2011 EG. This federal plan implements the 2011 EG. The previous analysis of demographic data showed that the average of populations in close proximity to the sources, and, thus, most likely to be effected by the sources, were similar in demographic composition to national averages. The results of the demographic analysis are presented in *Review of Environmental Justice Impacts,* June 2010, a copy of which is available in the SSI docket (EPA Docket Identification Number EPA–HQ–OAR–2009–0559). This final federal plan implements national standards in the 2011 EG that would result in reduction in emissions of many of the listed Hazardous Air Pollutants emitted from this source. This includes emissions of Cd, HCl, Pb, and Hg. Other emissions reductions include reductions of criteria pollutants such as CO, NO_X, PM and $PM_{2.5}$ microns or less, and SO_2. SO_2 and NO_X are precursors for the formation of $PM_{2.5}$ and NO_X is a precursor for ozone. Reducing these emissions will decrease the amount of such pollutants to which all affected populations are exposed.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 22, 2016.

Gina McCarthy,

Administrator.

For the reasons stated in the preamble, title 40, chapter I, part 62 of the Code of Federal Regulations (CFR) is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart KKK—[Added and Reserved]

■ 2. Add and reserve subpart KKK.

■ 3. Add subpart LLL to read as follows:

Subpart LLL—Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010

Applicability

Sec.
62.15855 Am I subject to this subpart?
62.15860 What SSI units are exempt from the federal plan?
62.15865 How do I determine if my SSI unit is covered by an approved and effective state or tribal plan?
62.15870 If my SSI unit is not listed on the federal plan inventory, am I exempt from this subpart?

Compliance Schedules

62.15875 What is my final compliance date?
62.15880 [Reserved]
62.15885 What must I include in the notifications of achievement of compliance?
62.15890 When must I submit the notifications of achievement of compliance?
62.15895 What if I do not meet the compliance date?
62.15900 How do I comply with the requirement for submittal of a control plan?
62.15905 How do I achieve final compliance?
62.15910 What must I do if I close my SSI unit and then restart it?
62.15915 What must I do if I plan to permanently close my SSI unit and not restart it?

Operator Training and Qualification

62.15920 What are the operator training and qualification requirements?
62.15925 When must the operator training course be completed?
62.15930 How do I obtain my operator qualification?
62.15935 How do I maintain my operator qualification?
62.15940 How do I renew my lapsed operator qualification?
62.15945 What if all the qualified operators are temporarily not accessible?
62.15950 What site-specific documentation is required and how often must it be reviewed by qualified operators and plant personnel?

Emission Limits, Emission Standards and Operating Limits and Requirements

62.15955 What emission limits and standards must I meet and by when?
62.15960 What operating limits and requirements must I meet and by when?
62.15965 How do I establish operating limits if I do not use a wet scrubber, fabric filter, electrostatic precipitator, activated carbon injection, or afterburner, or if I limit emissions in some other manner, to comply with the emission limits?
62.15970 Do the emission limits, emission standards, and operating limits apply during periods of startup, shutdown, and malfunction?
62.15975 [Reserved]

Initial Compliance Requirements

62.15980 How and when do I demonstrate initial compliance with the emission limits and standards?
62.15985 How do I establish my operating limits?
62.15990 By what date must I conduct the initial air pollution control device inspection and make any necessary repairs?
62.15995 How do I develop a site-specific monitoring plan for my continuous monitoring, bag leak detection, and ash handling systems, and by what date must I conduct an initial performance evaluation?

Continuous Compliance Requirements

62.16000 How and when do I demonstrate continuous compliance with the emission limits and standards?
62.16005 How do I demonstrate continuous compliance with my operating limits?
62.16010 By what date must I conduct annual air pollution control device inspections and make any necessary repairs?

Performance Testing, Monitoring, and Calibration Requirements

62.16015 What are the performance testing, monitoring, and calibration requirements for compliance with the emission limits and standards?
62.16020 What are the monitoring and calibration requirements for compliance with my operating limits?

Recordkeeping and Reporting

62.16025 What records must I keep?
62.16030 What reports must I submit?

Title V—Operating Permits

62.16035 Am I required to apply for and obtain a title V operating permit for my existing SSI unit?

62.16040 When must I submit a title V permit application for my existing SSI unit?

Definitions

62.16045 What definitions must I know?

Delegation of Authority

62.16050 What authorities will be retained by the EPA Administrator?

Table 1 to Subpart LLL of Part 62—Compliance Schedule for Existing Sewage Sludge Incineration Units

Table 2 to Subpart LLL of Part 62—Emission Limits and Standards for Existing Fluidized Bed Sewage Sludge Incineration Units

Table 3 to Subpart LLL of Part 62—Emission Limits and Standards for Existing Multiple Hearth Sewage Sludge Incineration Units

Table 4 to Subpart LLL of Part 62—Operating Parameters for Existing Sewage Sludge Incineration Units

Table 5 to Subpart LLL of Part 62—Toxic Equivalency Factors

Table 6 to Subpart LLL of Part 62—Summary of Reporting Requirements for Existing Sewage Sludge Incineration Units

Subpart LLL—Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010

Applicability

§ 62.15855 Am I subject to this subpart?

(a) You are subject to this subpart if your SSI unit meets all three criteria described in paragraphs (a)(1) through (3) of this section.

(1) You own or operate an SSI unit(s) that commenced construction on or before October 14, 2010.

(2) You own or operate an SSI unit(s) that meet the definition of an SSI unit as defined in § 62.16045.

(3) You own or operate an SSI unit(s) not exempt under § 62.15860.

(b) If you own or operator an SSI unit(s) and make changes that meet the definition of modification after September 21, 2011, the SSI unit becomes subject to 40 CFR part 60, subpart LLLL, and the federal plan no longer applies to that unit.

(c) If you own or operate an SSI unit(s) and make physical or operational changes to the SSI unit(s) for which construction commenced on or before September 21, 2011 primarily to comply with the federal plan, 40 CFR part 60, subpart LLLL, does not apply to the unit(s). Such changes do not qualify as modifications under 40 CFR part 60, subpart LLLL.

§ 62.15860 What SSI units are exempt from the federal plan?

This subpart exempts combustion units that incinerate sewage sludge and are not located at a wastewater treatment facility designed to treat domestic sewage sludge. These units may be subject to another subpart of this part (*e.g.*, subpart III of this part). If you own or operate such a combustion unit, you must notify the Administrator of an exemption claim under this section.

§ 62.15865 How do I determine if my SSI unit is covered by an approved and effective state or tribal plan?

This part contains a list of all states and tribal areas with approved Clean Air Act (CAA) section 111(d)/129 plans in effect. However, this part is only updated once a year. Thus, if this part does not indicate that your state or tribal area has an approved and effective plan, you should contact your state environmental agency's air director or your EPA regional office to determine if approval occurred since publication of the most recent version of this part. A state may also meet its CAA section 111(d)/129 obligations by submitting an acceptable written request for delegation of the federal plan that meets the requirements of this section. This is the only other option for a state to meet its 111(d)/129 obligations.

(a) An acceptable federal plan delegation request must include the following:

(1) A demonstration of adequate resources and legal authority to administer and enforce the federal plan.

(2) The items under § 60.5015(a)(1), (2), and (7) of this chapter.

(3) Certification that the hearing on the state delegation request, similar to the hearing for a state plan submittal, was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission.

(4) A commitment to enter into a Memorandum of Agreement with the Regional Administrator who sets forth the terms, conditions and effective date of the delegation and that serves as the mechanism for the transfer of authority. Additional guidance and information is given in the EPA's "Delegations Manual, Item 7–139, Implementation and Enforcement of 111(d)(2) and 111(d)(2)/129(b)(3) federal plans."

(b) A state with an already approved SSI CAA section 111(d)/129 state plan is not precluded from receiving EPA approval of a delegation request for the federal plan, providing the requirements of paragraph (a) of this section are met, and at the time of the delegation request, the state also requests withdrawal of the EPA's previous state plan approval.

(c) A state's CAA section 111(d)/129 obligations are separate from its obligations under title V of the CAA.

§ 62.15870 If my SSI unit is not listed on the federal plan inventory, am I exempt from this subpart?

Not necessarily. Sources subject to this subpart include, but are not limited to, the inventory of sources listed in Docket ID Number EPA–HQ–OAR–2012–0319 for the federal plan. Review the applicability of § 62.15855 to determine if you are subject to this subpart.

Compliance Schedules

§ 62.15875 What is my final compliance date?

Except as provided in paragraph (b) of this section, you must submit a final control plan and achieve final compliance specified by the date in paragraph (a) of this section:

(a) March 21, 2016, as specified in Table 1 of this subpart.

(b) March 21, 2017, for East Bank Wastewater Treatment Plant, 6501 Florida Avenue, New Orleans, Louisiana 70117, and for the Bayshore Regional Wastewater Treatment Plant, 100 Oak Street, Union Beach, New Jersey 07735.

§ 62.15880 [Reserved]

§ 62.15885 What must I include in the notifications of achievement of compliance?

Your notification of achievement of compliance must include the three items specified in paragraphs (a) through (c) of this section:

(a) Notification that the final control plan has been submitted and final compliance has been achieved;

(b) Any items required to be submitted with the final control plan and final compliance; and

(c) Signature of the owner or operator of the SSI unit.

§ 62.15890 When must I submit the notifications of achievement of compliance?

Notifications for achieving compliance must be postmarked no later than 10 business days after the compliance date.

§ 62.15895 What if I do not meet the compliance date?

If you fail to submit a final control plan and achieve final compliance, you must submit a notification to the Administrator postmarked within 10 business days after the compliance date in Table 1 to this subpart. You must inform the Administrator that you did not achieve compliance, and you must continue to submit reports each subsequent calendar month until a final control plan is submitted and final compliance is met. An SSI unit that operates out of compliance after the final compliance date would be in violation of the federal plan and subject to enforcement action.

§ 62.15900 How do I comply with the requirement for submittal of a control plan?

For your control plan, you must satisfy the two requirements specified in paragraphs (a) and (b) of this section.

(a) Submit the final control plan to your EPA regional office and permitting authority or delegated authority that includes the four items described in paragraphs (a)(1) through (4) of this section:

(1) A description of the devices for air pollution control and process changes that you will use to comply with the emission limits and standards and other requirements of this subpart;

(2) The type(s) of waste to be burned, if waste other than sewage sludge is burned in the unit;

(3) The maximum design sewage sludge burning capacity; and

(4) If applicable, the petition for site-specific operating limits under § 62.15965.

(b) Maintain an onsite copy of the final control plan.

§ 62.15905 How do I achieve final compliance?

For achieving final compliance, you must complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected SSI unit is brought online, all necessary process changes and air pollution control devices would operate as designed.

§ 62.15910 What must I do if I close my SSI unit and then restart it?

(a) If you close your SSI unit but will restart it prior to the final compliance, you must submit a final control plan and achieve final compliance as specified in § 62.15875.

(b) If you close your SSI unit but will restart it after the final compliance date, you must complete emission control retrofits and meet the emission limits, emission standards, and operating limits on the date your unit restarts operation.

§ 62.15915 What must I do if I plan to permanently close my SSI unit and not restart it?

If you plan to close your SSI unit rather than comply with the federal plan, submit a closure notification, including the date of closure, to the Administrator by the date your final control plan is due.

Operator Training and Qualification

§ 62.15920 What are the operator training and qualification requirements?

(a) An SSI unit cannot be operated unless a fully trained and qualified SSI unit operator is accessible, either at the facility or can be at the facility within 1 hour. The trained and qualified SSI unit operator may operate the SSI unit directly or be the direct supervisor of one or more other plant personnel who operate the unit. If all qualified SSI unit operators are temporarily not accessible, you must follow the procedures in § 62.15945.

(b) Operator training and qualification must be obtained through a state-approved program or by completing the requirements included in paragraph (c) of this section.

(c) Training must be obtained by completing an incinerator operator training course that includes, at a minimum, the three elements described in paragraphs (c)(1) through (3) of this section:

(1) Training on the 10 subjects listed in paragraphs (c)(1)(i) through (x) of this section:

(i) Environmental concerns, including types of emissions;

(ii) Basic combustion principles, including products of combustion;

(iii) Operation of the specific type of incinerator to be used by the operator, including proper startup, sewage sludge feeding and shutdown procedures;

(iv) Combustion controls and monitoring;

(v) Operation of air pollution control equipment and factors affecting performance (if applicable);

(vi) Inspection and maintenance of the incinerator and air pollution control devices;

(vii) Actions to prevent malfunctions or to prevent conditions that may lead to malfunctions;

(viii) Bottom and fly ash characteristics and handling procedures;

(ix) Applicable federal, state and local regulations, including Occupational Safety and Health Administration workplace standards; and

(x) Pollution prevention.

(2) An examination designed and administered by the state-approved program or instructor administering the subjects in paragraph (c)(1) of this section.

(3) Written material covering the training course topics that may serve as reference material following completion of the course.

§ 62.15925 When must the operator training course be completed?

The operator training course must be completed by the later of the three dates specified in paragraphs (a) through (c) of this section:

(a) The final compliance date;

(b) Six months after your SSI unit startup; and

(c) Six months after an employee assumes responsibility for operating the SSI unit or assumes responsibility for supervising the operation of the SSI unit.

§ 62.15930 How do I obtain my operator qualification?

(a) You must obtain operator qualification by completing a training course that satisfies the criteria under § 62.15920(b).

(b) Qualification is valid from the date on which the training course is completed and the operator successfully passes the examination required under § 62.15920(c)(2).

§ 62.15935 How do I maintain my operator qualification?

To maintain qualification, you must complete an annual review or refresher course covering, at a minimum, the five topics described in paragraphs (a) through (e) of this section:

(a) Update of regulations;

(b) Incinerator operation, including startup and shutdown procedures, sewage sludge feeding and ash handling;

(c) Inspection and maintenance;

(d) Prevention of malfunctions or conditions that may lead to malfunction; and

(e) Discussion of operating problems encountered by attendees.

§ 62.15940 How do I renew my lapsed operator qualification?

You must renew a lapsed operator qualification before you begin operation of an SSI unit by one of the two methods specified in paragraphs (a) and (b) of this section:

(a) For a lapse of less than 3 years, you must complete a standard annual refresher course described in § 62.15935; and

(b) For a lapse of 3 years or more, you must repeat the initial qualification requirements in § 62.15920.

§ 62.15945 What if all the qualified operators are temporarily not accessible?

If a qualified operator is not at the facility and cannot be at the facility within 1 hour, you must meet the criteria specified in either paragraph (a) or (b) of this section, depending on the length of time that a qualified operator is not accessible:

(a) When a qualified operator is not accessible for more than 8 hours, the SSI unit may be operated for less than 2 weeks by other plant personnel who are familiar with the operation of the SSI unit and who have completed a review of the information specified in § 62.15950 within the past 12 months. However, you must record the period when a qualified operator was not accessible and include this deviation in the annual report as specified under § 62.16030(c).

(b) When a qualified operator is not accessible for 2 weeks or more, you must take the two actions that are described in paragraphs (b)(1) and (2) of this section:

(1) Notify the Administrator of this deviation in writing within 10 days. In the notice, state what caused this deviation, what you are doing to ensure that a qualified operator is accessible, and when you anticipate that a qualified operator will be accessible; and

(2) Submit a status report to the Administrator every 4 weeks outlining what you are doing to ensure that a qualified operator is accessible, stating when you anticipate that a qualified operator will be accessible and requesting approval from the Administrator to continue operation of the SSI unit. You must submit the first status report 4 weeks after you notify the Administrator of the deviation under paragraph (b)(1) of this section:

(i) If the Administrator notifies you that your request to continue operation of the SSI unit is disapproved, the SSI unit may continue operation for 30 days and then must cease operation; and

(ii) Operation of the unit may resume if a qualified operator is accessible as required under § 62.15920(a). You must notify the Administrator within 5 days of having resumed operations and of having a qualified operator accessible.

§ 62.15950 What site-specific documentation is required and how often must it be reviewed by qualified operators and plant personnel?

(a) You must maintain at the facility the documentation of the operator training procedures specified under § 62.15920(c)(1) and make the documentation readily accessible to all SSI unit operators.

(b) You must establish a program for reviewing the information listed in § 62.15920(c)(1) with each qualified incinerator operator and other plant personnel who may operate the unit according to the provisions of § 62.15945(a), according to the following schedule:

(1) The initial review of the information listed in § 62.15920(c)(1) must be conducted by November 30, 2016, or prior to an employee's assumption of responsibilities for operation of the SSI unit, whichever date is later; and

(2) Subsequent annual reviews of the information listed in § 62.15920(c)(1) must be conducted no later than 12 months following the previous review.

Emission Limits, Emission Standards and Operating Limits and Requirements

§ 62.15955 What emission limits and standards must I meet and by when?

You must meet the emission limits and standards specified in Table 2 or 3 to this subpart by the final compliance date specified in § 62.15875. The emission limits and standards apply at all times the unit is operating and during periods of malfunction. The emission limits and standards apply to emissions from a bypass stack or vent while sewage sludge is in the combustion chamber (*i.e.*, until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time).

§ 62.15960 What operating limits and requirements must I meet and by when?

You must meet, as applicable, the operating limits and requirements specified in paragraphs (a) through (d) and (h) of this section, according to the schedule specified in paragraph (e) of this section. The operating parameters for which you will establish operating limits for a wet scrubber, fabric filter, electrostatic precipitator or activated carbon injection are listed in Table 4 to this subpart. You must comply with the operating requirements in paragraph (f) of this section and the requirements in paragraph (g) of this section for meeting any new operating limits, re-established in § 62.16005. The operating limits apply at all times that sewage sludge is in the combustion chamber (*i.e.*, until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time):

(a) You must meet a site-specific operating limit for minimum operating temperature of the combustion chamber (or afterburner combustion chamber) that you establish in § 62.15985;

(b) If you use a wet scrubber, electrostatic precipitator, activated carbon injection or afterburner to comply with an emission limit, you must meet the site-specific operating limits that you establish in § 62.15985 for each operating parameter associated with each air pollution control device;

(c) If you use a fabric filter to comply with the emission limits, you must install the bag leak detection system specified in §§ 62.15995(b) and 62.16020(b)(3)(i) and operate the bag leak detection system such that the alarm does not sound more than 5-percent of the operating time during a 6-month period. You must calculate the alarm time as specified in § 62.16005(a)(2)(i);

(d) You must meet the operating requirements in your site-specific fugitive emission monitoring plan, submitted as specified in § 62.15995(d) to ensure that your ash handling system will meet the emission standard for fugitive emissions from ash handling;

(e) You must meet the operating limits and requirements specified in paragraphs (a) through (d) of this section by the final compliance date specified in § 62.15875;

(f) You must monitor the feed rate and moisture content of the sewage sludge fed to the sewage sludge incinerator, as specified in paragraphs (f)(1) and (2) of this section:

(1) Continuously monitor the sewage sludge feed rate and calculate a daily average for all hours of operation during each 24-hour period. Keep a record of the daily average feed rate, as specified in § 62.16025(f)(3)(ii); and

(2) Take at least one grab sample per day of the sewage sludge fed to the sewage sludge incinerator. If you take more than one grab sample in a day, calculate the daily average for the grab samples. Keep a record of the daily average moisture content, as specified in § 62.16025(f)(3)(ii).

(g) For the operating limits and requirements specified in paragraphs (a) through (d) and (h) of this section, you must meet any new operating limits and requirements, re-established according to § 62.16005(d)); and

(h) If you use an air pollution control device other than a wet scrubber, fabric filter, electrostatic precipitator or activated carbon injection to comply with the emission limits in Table 2 or 3 to this subpart, you must meet any site-specific operating limits or requirements that you establish as required in § 62.15965.

§ 62.15965 How do I establish operating limits if I do not use a wet scrubber, fabric filter, electrostatic precipitator, activated carbon injection, or afterburner, or if I limit emissions in some other manner, to comply with the emission limits?

If you use an air pollution control device other than a wet scrubber, fabric filter, electrostatic precipitator, activated carbon injection, or afterburner, or limit emissions in some other manner (*e.g.*, materials balance) to comply with the emission limits in § 62.15955, you must meet the requirements in paragraphs (a) and (b) of this section:

(a) Meet the applicable operating limits and requirements in § 60.4850 of this chapter, and establish applicable operating limits according to § 62.15985; and

(b) Petition the Administrator for specific operating parameters, operating limits, and averaging periods to be established during the initial performance test and to be monitored continuously thereafter.

(1) You are responsible for submitting any supporting information in a timely manner to enable the Administrator to consider the application prior to the performance test. You must not conduct the initial performance test until after the petition has been approved by the Administrator, and you must comply with the operating limits as written, pending approval by the Administrator. Neither submittal of an application, nor the Administrator's failure to approve or disapprove the application relieves you of the responsibility to comply with any provision of this subpart;

(2) Your petition must include the five items listed in paragraphs (b)(2)(i) through (v) of this section:

(i) Identification of the specific parameters you propose to monitor;

(ii) A discussion of the relationship between these parameters and emissions of regulated pollutants, identifying how emissions of regulated pollutants change with changes in these parameters, and how limits on these parameters will serve to limit emissions of regulated pollutants;

(iii) A discussion of how you will establish the upper and/or lower values for these parameters that will establish the operating limits on these parameters, including a discussion of the averaging periods associated with those parameters for determining compliance;

(iv) A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

§ 62.15970 Do the emission limits, emission standards, and operating limits apply during periods of startup, shutdown, and malfunction?

The emission limits and standards apply at all times and during periods of malfunction. The operating limits apply at all times that sewage sludge is in the combustion chamber (*i.e.*, until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time). For determining compliance with the CO concentration limit using CO CEMS, the correction to 7-percent oxygen does not apply during periods of startup or shutdown. Use the measured CO concentration without correcting for oxygen concentration in averaging with other CO concentrations (corrected to 7-percent O_2) to determine the 24-hour average value.

§ 62.15975 [Reserved]

Initial Compliance Requirements

§ 62.15980 How and when do I demonstrate initial compliance with the emission limits and standards?

To demonstrate initial compliance with the emission limits and standards in Table 2 or 3 to this subpart, use the procedures specified in paragraph (a) of this section. In lieu of using the procedures specified in paragraph (a) of this section, you have the option to demonstrate initial compliance using the procedures specified in paragraph (b) of this section for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead and fugitive emissions from ash handling. You must meet the requirements of paragraphs (a) and (b) of this section, as applicable, and paragraphs (c) through (e) of this section, according to the performance testing, monitoring, and calibration requirements in § 62.16015(a) and (b).

(a) Demonstrate initial compliance using the performance test required in § 60.8 of this chapter. You must demonstrate that your SSI unit meets the emission limits and standards specified in Table 2 or 3 to this subpart for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead and fugitive emissions from ash handling using the performance test. The initial performance test must be conducted using the test methods, averaging methods, and minimum sampling volumes or durations specified in Table 2 or 3 to this subpart and according to the testing, monitoring, and calibration requirements specified in § 62.16015(a).

(1) Except as provided in paragraph (e) of this section, you must demonstrate that your SSI unit meets the emission limits and standards specified in Table 2 or 3 to this subpart by the final compliance date (see Table 1 to this subpart).

(2) You may use the results from a performance test conducted within the 2 previous years that was conducted under the same conditions and demonstrated compliance with the emission limits and standards in Table 2 or 3 to this subpart, provided no process changes have been made since you conducted that performance test. However, you must continue to meet the operating limits established during the most recent performance test that demonstrated compliance with the emission limits and standards in Table 2 or 3 to this subpart. The performance test must have used the test methods specified in Table 2 or 3 to this subpart.

(b) Demonstrate initial compliance using a continuous emissions monitoring system or continuous automated sampling system. The option to use a continuous emissions monitoring system for hydrogen chloride, dioxins/furans, cadmium, or lead takes effect on the date a final performance specification applicable to hydrogen chloride, dioxins/furans, cadmium or lead is published in the **Federal Register**. The option to use a continuous automated sampling system for dioxins/furans takes effect on the date a final performance specification for such a continuous automated sampling system is published in the **Federal Register**. Collect data as specified in § 62.16015(b)(6) and use the following procedures:

(1) To demonstrate initial compliance with the emission limits specified in Table 2 or 3 to this subpart for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium and lead, you may substitute the use of a continuous monitoring system in lieu of conducting the initial performance test required in paragraph (a) of this section, as follows:

(i) You may substitute the use of a continuous emissions monitoring system for any pollutant specified in paragraph (b)(1) of this section in lieu of conducting the initial performance test for that pollutant in paragraph (a) of this section. For determining compliance with the carbon monoxide concentration limit using carbon monoxide CEMS, the correction to 7-percent oxygen does not apply during periods of startup or shutdown. Use the measured carbon monoxide concentration without correcting for oxygen concentration in averaging with other carbon monoxide concentrations (corrected to 7-percent oxygen) to determine the 24-hour average value.

(ii) You may substitute the use of a continuous automated sampling system for mercury or dioxins/furans in lieu of conducting the annual mercury or dioxin/furan performance test in paragraph (a) of this section.

(2) If you use a continuous emissions monitoring system to demonstrate compliance with an applicable emission limit in Table 2 or 3 to this subpart, as described in paragraph (b)(1) of this section, you must use the continuous emissions monitoring system and follow the requirements specified in § 62.16015(b). You must measure emissions according to § 60.13 of this chapter to calculate 1-hour arithmetic averages, corrected to 7-percent oxygen (or carbon dioxide). You must demonstrate initial compliance using a 24-hour block average of these 1-hour arithmetic average emission concentrations, calculated using Equation 19–19 in section 12.4.1 of Method 19 of 40 CFR part 60, appendix A–7.

(3) If you use a continuous automated sampling system to demonstrate compliance with an applicable emission limit in Table 2 or 3 to this subpart, as described in paragraph (b)(1) of this section, you must:

(i) Use the continuous automated sampling system specified in § 60.58b(p) and (q) of this chapter, and measure and calculate average emissions corrected to 7-percent oxygen (or carbon dioxide) according to § 60.58b(p) and your monitoring plan.

(A) Use the procedures specified in § 60.58b(p) of this chapter to calculate 24-hour block averages to determine compliance with the mercury emission limit in Table 2 or 3 to this subpart.

(B) Use the procedures specified in § 60.58b(p) of this chapter to calculate 2-week block averages to determine compliance with the dioxin/furan (total mass basis or toxic equivalency basis) emission limit in Table 2 or 3 to this subpart.

(ii) Comply with the provisions in § 60.58b(q) of this chapter to develop a monitoring plan. For mercury continuous automated sampling systems, you must use Performance Specification 12B of appendix B of part 75 of this chapter and Procedure 5 of appendix F of part 60 of this chapter.

(4) Except as provided in paragraph (e) of this section, you must complete your initial performance evaluations required under your monitoring plan for any continuous emissions monitoring systems and continuous automated sampling systems by the final compliance date (see Table 1 to this subpart). Your performance evaluation must be conducted using the procedures and acceptance criteria specified in § 62.15995(a)(3).

(c) To demonstrate initial compliance with the dioxins/furans toxic equivalency emission limit in Table 2 or 3 to this subpart, determine dioxins/furans toxic equivalency as follows:

(1) Measure the concentration of each dioxin/furan tetra- through octachlorinated-isomer emitted using EPA Method 23 at 40 CFR part 60, appendix A–7.

(2) Multiply the concentration of each dioxin/furan (tetra- through octa-chlorinated) isomer by its corresponding toxic equivalency factor specified in Table 5 to this subpart.

(3) Sum the products calculated in accordance with paragraph (c)(2) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

(d) Submit an initial compliance report, as specified in § 62.16030(b).

(e) If you demonstrate initial compliance using the performance test specified in paragraph (a) of this section, then the provisions of this paragraph (e) apply. If a force majeure is about to occur, occurs or has occurred for which you intend to assert a claim of force majeure, you must notify the Administrator in writing as specified in § 62.16030(f). You must conduct the initial performance test as soon as practicable after the force majeure occurs. The Administrator will determine whether or not to grant the extension to the initial performance test deadline and will notify you in writing of approval or disapproval of the request for an extension as soon as practicable. Until an extension of the performance test deadline has been approved by the Administrator, you remain strictly subject to the requirements of this subpart.

§ 62.15985 How do I establish my operating limits?

(a) You must establish the site-specific operating limits specified in paragraphs (b) through (h) of this section or established in § 62.15965, as applicable, during your initial performance tests required in § 62.15980. You must meet the requirements in § 62.16005(d) to confirm these operating limits or re-establish new operating limits using operating data recorded during any performance tests or performance evaluations required in § 62.16000. You must follow the data measurement and recording frequencies and data averaging times specified in Table 4 to this subpart or as established in § 62.15965, and you must follow the testing, monitoring and calibration requirements specified in §§ 62.16015 and 62.16020 or established in § 62.15965. You are not required to establish operating limits for the operating parameters listed in Table 4 to this subpart for a control device if you use a continuous monitoring system to demonstrate compliance with the emission limits in Table 2 or 3 to this subpart for the applicable pollutants, as follows:

(1) For a scrubber designed to control emissions of hydrogen chloride or sulfur dioxide, you are not required to establish an operating limit and monitor scrubber liquid flow rate or scrubber liquid pH if you use the continuous monitoring system specified in §§ 60.4865(b) and 60.4885(b) of this chapter to demonstrate compliance with the emission limit for hydrogen chloride or sulfur dioxide.

(2) For a scrubber designed to control emissions of particulate matter, cadmium and lead, you are not required to establish an operating limit and monitor pressure drop across the scrubber or scrubber liquid flow rate if you use the continuous monitoring system specified in §§ 60.4865(b) and 60.4885(b) of this chapter to demonstrate compliance with the emission limit for particulate matter, cadmium and lead.

(3) For an electrostatic precipitator designed to control emissions of particulate matter, cadmium and lead, you are not required to establish an operating limit and monitor secondary voltage of the collection plates, secondary amperage of the collection plates or effluent water flow rate at the outlet of the electrostatic precipitator if you use the continuous monitoring system specified in §§ 60.4865(b) and 60.4885(b) of this chapter to demonstrate compliance with the emission limit for particulate matter, lead and cadmium.

(4) For an activated carbon injection system designed to control emissions of mercury, you are not required to establish an operating limit and monitor sorbent injection rate and carrier gas flow rate (or carrier gas pressure drop) if you use the continuous monitoring system specified in §§ 60.4865(b) and 60.4885(b) of this chapter to demonstrate compliance with the emission limit for mercury.

(5) For an activated carbon injection system designed to control emissions of dioxins/furans, you are not required to establish an operating limit and monitor sorbent injection rate and carrier gas flow rate (or carrier gas pressure drop) if you use the continuous monitoring system specified in §§ 60.4865(b) and 60.4885(b) of this chapter to demonstrate compliance with the

emission limit for dioxins/furans (total mass basis or toxic equivalency basis).

(b) Minimum pressure drop across each wet scrubber used to meet the particulate matter, lead and cadmium emission limits in Table 2 or 3 to this subpart, equal to the lowest 4-hour average pressure drop across each such wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter, lead and cadmium emission limits.

(c) Minimum scrubber liquid flow rate (measured at the inlet to each wet scrubber), equal to the lowest 4-hour average liquid flow rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

(d) Minimum scrubber liquid pH for each wet scrubber used to meet the sulfur dioxide or hydrogen chloride emission limits in Table 2 or 3 to this subpart, equal to the lowest 1-hour average scrubber liquid pH measured during the most recent performance test demonstrating compliance with the sulfur dioxide and hydrogen chloride emission limits.

(e) Minimum combustion chamber operating temperature (or minimum afterburner temperature), equal to the lowest 4-hour average combustion chamber operating temperature (or afterburner temperature) measured during the most recent performance test demonstrating compliance with all applicable emission limits.

(f) Minimum power input to the electrostatic precipitator collection plates, equal to the lowest 4-hour average secondary electric power measured during the most recent performance test demonstrating compliance with the particulate matter, lead and cadmium emission limits. Power input must be calculated as the product of the secondary voltage and secondary amperage to the electrostatic precipitator collection plates. Both the secondary voltage and secondary amperage must be recorded during the performance test.

(g) Minimum effluent water flow rate at the outlet of the electrostatic precipitator, equal to the lowest 4-hour average effluent water flow rate at the outlet of the electrostatic precipitator measured during the most recent performance test demonstrating compliance with the particulate matter, lead and cadmium emission limits.

(h) For activated carbon injection, establish the site-specific operating limits specified in paragraphs (h)(1) through (3) of this section.

(1) Minimum mercury sorbent injection rate, equal to the lowest 4-hour average mercury sorbent injection rate measured during the most recent performance test demonstrating compliance with the mercury emission limit.

(2) Minimum dioxin/furan sorbent injection rate, equal to the lowest 4-hour average dioxin/furan sorbent injection rate measured during the most recent performance test demonstrating compliance with the dioxin/furan (total mass basis or toxic equivalency basis) emission limit.

(3) Minimum carrier gas flow rate or minimum carrier gas pressure drop, as follows:

(i) Minimum carrier gas flow rate, equal to the lowest 4-hour average carrier gas flow rate measured during the most recent performance test demonstrating compliance with the applicable emission limit.

(ii) Minimum carrier gas pressure drop, equal to the lowest 4-hour average carrier gas flow rate measured during the most recent performance test demonstrating compliance with the applicable emission limit.

§ 62.15990 By what date must I conduct the initial air pollution control device inspection and make any necessary repairs?

(a) You must conduct an air pollution control device inspection according to § 62.16015(c) by the final compliance date as specified in § 62.15875. For air pollution control devices installed after the final compliance date, you must conduct the air pollution control device inspection within 60 days after installation of the control device.

(b) Within 10 operating days following the air pollution control device inspection under paragraph (a) of this section, all necessary repairs must be completed unless you obtain written approval from the Administrator establishing a date whereby all necessary repairs of the SSI unit must be completed.

§ 62.15995 How do I develop a site-specific monitoring plan for my continuous monitoring, bag leak detection, and ash handling systems, and by what date must I conduct an initial performance evaluation?

You must develop and submit to the Administrator for approval a site-specific monitoring plan for each continuous monitoring system required under this subpart, according to the requirements in paragraphs (a) through (c) of this section. This requirement also applies to you if you petition the Administrator for alternative monitoring parameters under § 60.13(i) of this chapter and paragraph (e) of this section. If you use a continuous automated sampling system to comply with the mercury or dioxin/furan (total mass basis or toxic equivalency basis) emission limits, you must develop your monitoring plan as specified in § 60.58b(q) of this chapter, and you are not required to meet the requirements in paragraphs (a) and (b) of this section. You must also submit a site-specific monitoring plan for your ash handling system, as specified in paragraph (d) of this section. You must submit and update your monitoring plans as specified in paragraphs (f) through (h) of this section.

(a) For each continuous monitoring system, your monitoring plan must address the elements and requirements specified in paragraphs (a)(1) through (8) of this section. You must operate and maintain the continuous monitoring system in continuous operation according to the site-specific monitoring plan.

(1) Installation of the continuous monitoring system sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (*e.g.,* on or downstream of the last control device).

(2) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer and the data collection and reduction systems.

(3) Performance evaluation procedures and acceptance criteria (*e.g.,* calibrations).

(i) For continuous emissions monitoring systems, your performance evaluation and acceptance criteria must include, but is not limited to, the following:

(A) The applicable requirements for continuous emissions monitoring systems specified in § 60.13 of this chapter.

(B) The applicable performance specifications (*e.g.,* relative accuracy tests) in appendix B of part 60 of this chapter.

(C) The applicable procedures (*e.g.,* quarterly accuracy determinations and daily calibration drift tests) in appendix F of part 60 of this chapter.

(D) A discussion of how the occurrence and duration of out-of-control periods will affect the suitability of CEMS data, where out-of-control has the meaning given in paragraph (a)(7)(i) of this section.

(ii) For continuous parameter monitoring systems, your performance evaluation and acceptance criteria must include, but is not limited to, the following:

(A) If you have an operating limit that requires the use of a flow monitoring system, you must meet the requirements in paragraphs (a)(3)(ii)(A)(*1*) through (*4*) of this section.

(*1*) Install the flow sensor and other necessary equipment in a position that provides a representative flow.

(*2*) Use a flow sensor with a measurement sensitivity of no greater than 2-percent of the expected process flow rate.

(*3*) Minimize the effects of swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

(*4*) Conduct a flow monitoring system performance evaluation in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(B) If you have an operating limit that requires the use of a pressure monitoring system, you must meet the requirements in paragraphs (a)(3)(ii)(B)(*1*) through (*6*) of this section.

(*1*) Install the pressure sensor(s) in a position that provides a representative measurement of the pressure (*e.g.,* particulate matter scrubber pressure drop).

(*2*) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.

(*3*) Use a pressure sensor with a minimum tolerance of 1.27 centimeters of water or a minimum tolerance of 1-percent of the pressure monitoring system operating range, whichever is less.

(*4*) Perform checks at least once each process operating day to ensure pressure measurements are not obstructed (*e.g.,* check for pressure tap pluggage daily).

(*5*) Conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(*6*) If at any time the measured pressure exceeds the manufacturer's specified maximum operating pressure range, conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan and confirm that the pressure monitoring system continues to meet the performance requirements in your monitoring plan. Alternatively, install and verify the operation of a new pressure sensor.

(C) If you have an operating limit that requires a pH monitoring system, you must meet the requirements in paragraphs (a)(3)(ii)(C)(*1*) through (*4*) of this section.

(*1*) Install the pH sensor in a position that provides a representative measurement of scrubber effluent pH.

(*2*) Ensure the sample is properly mixed and representative of the fluid to be measured.

(*3*) Conduct a performance evaluation of the pH monitoring system in accordance with your monitoring plan at least once each process operating day.

(*4*) Conduct a performance evaluation (including a two-point calibration with one of the two buffer solutions having a pH within 1 of the operating limit pH level) of the pH monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than quarterly.

(D) If you have an operating limit that requires the use of a temperature measurement device, you must meet the requirements in paragraphs (a)(3)(ii)(D)(*1*) through (*4*) of this section.

(*1*) Install the temperature sensor and other necessary equipment in a position that provides a representative temperature.

(*2*) Use a temperature sensor with a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit), or 1.0-percent of the temperature value, whichever is larger, for a noncryogenic temperature range.

(*3*) Use a temperature sensor with a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit), or 2.5-percent of the temperature value, whichever is larger, for a cryogenic temperature range.

(*4*) Conduct a temperature measurement device performance evaluation at the time of each performance test but no less frequently than annually.

(E) If you have an operating limit that requires a secondary electric power monitoring system for an electrostatic precipitator, you must meet the requirements in paragraphs (a)(3)(ii)(E)(*1*) and (*2*) of this section.

(*1*) Install sensors to measure (secondary) voltage and current to the electrostatic precipitator collection plates.

(*2*) Conduct a performance evaluation of the electric power monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(F) If you have an operating limit that requires the use of a monitoring system to measure sorbent injection rate (*e.g.,* weigh belt, weigh hopper or hopper flow measurement device), you must meet the requirements in paragraphs (a)(3)(ii)(F)(*1*) and (*2*) of this section.

(*1*) Install the system in a position(s) that provides a representative measurement of the total sorbent injection rate.

(*2*) Conduct a performance evaluation of the sorbent injection rate monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(4) Ongoing operation and maintenance procedures in accordance with the general requirements of § 60.11(d) of this chapter.

(5) Ongoing data quality assurance procedures in accordance with the general requirements of § 60.13 of this chapter.

(6) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 60.7(b), (c) introductory text, (c)(1), (c)(4), (d), (e), (f), and (g) of this chapter.

(7) Provisions for periods when the continuous monitoring system is out of control, as follows:

(i) A continuous monitoring system is out of control if the conditions of paragraph (a)(7)(i)(A) or (B) of this section are met.

(A) The zero (low-level), mid-level (if applicable), or high-level calibration drift exceeds two times the applicable calibration drift specification in the applicable performance specification or in the relevant standard.

(B) The continuous monitoring system fails a performance test audit (*e.g.,* cylinder gas audit), relative accuracy audit, relative accuracy test audit or linearity test audit.

(ii) When the continuous monitoring system is out of control as specified in paragraph (a)(7)(i) of this section, you must take the necessary corrective action and must repeat all necessary tests that indicate that the system is out of control. You must take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the hour you conduct a performance check (*e.g.,* calibration drift) that indicates an exceedance of the performance requirements established under this part. The end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits.

(8) Schedule for conducting initial and periodic performance evaluations of your continuous monitoring systems.

(b) If a bag leak detection system is used, your monitoring plan must include a description of the following items:

(1) Installation of the bag leak detection system in accordance with paragraphs (b)(1)(i) and (ii) of this section.

(i) Install the bag leak detection sensor(s) in a position(s) that will be representative of the relative or absolute particulate matter loadings for each exhaust stack, roof vent or compartment (*e.g.*, for a positive pressure fabric filter) of the fabric filter.

(ii) Use a bag leak detection system certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(2) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established. Use a bag leak detection system equipped with a system that will sound an alarm when the system detects an increase in relative particulate matter emissions over a preset level. The alarm must be located where it is observed readily and any alert is detected and recognized easily by plant operating personnel.

(3) Evaluations of the performance of the bag leak detection system, performed in accordance with your monitoring plan and consistent with the guidance provided in OAQPS Fabric Filter Bag Leak Detection Guidance, EPA–454/R–98–015, September 1997. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272–0167, *http://www.epa.gov*. You may inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

(4) Operation of the bag leak detection system, including quality assurance procedures.

(5) Maintenance of the bag leak detection system, including a routine maintenance schedule and spare parts inventory list.

(6) Recordkeeping (including record retention) of the bag leak detection system data. Use a bag leak detection system equipped with a device to continuously record the output signal from the sensor.

(c) You must conduct an initial performance evaluation of each continuous monitoring system and bag leak detection system, as applicable, in accordance with your monitoring plan and to § 60.13(c) of this chapter. For the purpose of this subpart, the provisions of § 60.13(c) also apply to the bag leak detection system. You must conduct the initial performance evaluation of each continuous monitoring system within 60 days of installation of the monitoring system

(d) You must submit a monitoring plan specifying the ash handling system operating procedures that you will follow to ensure that you meet the fugitive emissions limit specified in Table 2 or 3 to this subpart.

(e) You may submit an application to the Administrator for approval of alternate monitoring requirements to demonstrate compliance with the standards of this subpart, subject to the provisions of paragraphs (e)(1) through (6) of this section.

(1) The Administrator will not approve averaging periods other than those specified in this section, unless you document, using data or information, that the longer averaging period will ensure that emissions do not exceed levels achieved over the duration of three performance test runs.

(2) If the application to use an alternate monitoring requirement is approved, you must continue to use the original monitoring requirement until approval is received to use another monitoring requirement.

(3) You must submit the application for approval of alternate monitoring requirements no later than the notification of performance test. The application must contain the information specified in paragraphs (e)(3)(i) through (iii) of this section:

(i) Data or information justifying the request, such as the technical or economic infeasibility, or the impracticality of using the required approach.

(ii) A description of the proposed alternative monitoring requirement, including the operating parameter to be monitored, the monitoring approach and technique, the averaging period for the limit, and how the limit is to be calculated.

(iii) Data or information documenting that the alternative monitoring requirement would provide equivalent or better assurance of compliance with the relevant emission standard.

(4) The Administrator will notify you of the approval or denial of the application within 90 calendar days after receipt of the original request, or within 60 calendar days of the receipt of any supplementary information, whichever is later. The Administrator will not approve an alternate monitoring application unless it would provide equivalent or better assurance of compliance with the relevant emission standard. Before disapproving any alternate monitoring application, the Administrator will provide the following:

(i) Notice of the information and findings upon which the intended disapproval is based.

(ii) Notice of opportunity for you to present additional supporting information before final action is taken on the application. This notice will specify how much additional time is allowed for you to provide additional supporting information.

(5) You are responsible for submitting any supporting information in a timely manner to enable the Administrator to consider the application prior to the performance test. Neither submittal of an application, nor the Administrator's failure to approve or disapprove the application relieves you of the responsibility to comply with any provision of this subpart.

(6) The Administrator may decide at any time, on a case-by-case basis, that additional or alternative operating limits, or alternative approaches to establishing operating limits, are necessary to demonstrate compliance with the emission standards of this subpart.

(f) You must submit your monitoring plans required in paragraphs (a) and (b) of this section at least 60 days before your initial performance evaluation of your continuous monitoring system(s).

(g) You must submit your monitoring plan for your ash handling system, as required in paragraph (d) of this section, at least 60 days before your initial compliance test date.

(h) You must update and resubmit your monitoring plan if there are any changes or potential changes in your monitoring procedures or if there is a process change, as defined in § 62.16045.

Continuous Compliance Requirements

§ 62.16000 How and when do I demonstrate continuous compliance with the emission limits and standards?

To demonstrate continuous compliance with the emission limits and standards specified in Table 2 or 3 to this subpart, use the procedures specified in paragraph (a) of this section. In lieu of using the procedures specified in paragraph (a) of this section, you have the option to demonstrate initial compliance using the procedures specified in paragraph (b) of this section for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead and fugitive emissions from ash handling. You must meet the requirements of paragraphs (a) and (b) of this section, as applicable, and paragraphs (c) through (e) of this section, according to the performance testing, monitoring, and calibration requirements in § 62.16015(a) and (b).

You may also petition the Administrator for alternative monitoring parameters as specified in paragraph (f) of this section.

(a) Demonstrate continuous compliance using a performance test. Except as provided in paragraphs (a)(3) and (e) of this section, following the date that the initial performance test for each pollutant in Table 2 or 3 to this subpart is completed, you must conduct a performance test for each such pollutant on an annual basis (between 11 and 13 calendar months following the previous performance test). The performance test must be conducted using the test methods, averaging methods, and minimum sampling volumes or durations specified in Table 2 or 3 to this subpart and according to the testing, monitoring and calibration requirements specified in § 62.16015(a).

(1) You may conduct a repeat performance test at any time to establish new values for the operating limits to apply from that point forward. The Administrator may request a repeat performance test at any time.

(2) You must repeat the performance test within 60 days of a process change, as defined in § 62.16045.

(3) Except as specified in paragraphs (a)(1) and (2) of this section, you can conduct performance tests less often for a given pollutant, as specified in paragraphs (a)(3)(i) through (iii) of this section.

(i) You can conduct performance tests less often if your performance tests for the pollutant for at least 2 consecutive years show that your emissions are at or below 75-percent of the emission limit specified in Table 2 or 3 to this subpart, and there are no changes in the operation of the affected source or air pollution control equipment that could increase emissions. In this case, you do not have to conduct a performance test for that pollutant for the next 2 years. You must conduct a performance test during the third year and no more than 37 months after the previous performance test.

(ii) If your SSI unit continues to meet the emission limit for the pollutant, you may choose to conduct performance tests for the pollutant every third year if your emissions are at or below 75-percent of the emission limit, and if there are no changes in the operation of the affected source or air pollution control equipment that could increase emissions, but each such performance test must be conducted no more than 37 months after the previous performance test.

(iii) If a performance test shows emissions exceeded 75-percent of the emission limit for a pollutant, you must conduct annual performance tests for that pollutant until all performance tests over 2 consecutive years show compliance.

(b) Demonstrate continuous compliance using a continuous emissions monitoring system or continuous automated sampling system. The option to use a continuous emissions monitoring system for hydrogen chloride, dioxins/furans, cadmium or lead takes effect on the date a final performance specification applicable to hydrogen chloride, dioxins/furans, cadmium or lead is published in the **Federal Register.** The option to use a continuous automated sampling system for dioxins/furans takes effect on the date a final performance specification for such a continuous automated sampling system is published in the **Federal Register.** Collect data as specified in § 62.16015(b)(6) and use the following procedures:

(1) To demonstrate continuous compliance with the emission limits for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium and lead, you may substitute the use of a continuous monitoring system in lieu of conducting the annual performance test required in paragraph (a) of this section, as follows:

(i) You may substitute the use of a continuous emissions monitoring system for any pollutant specified in paragraph (b)(1) of this section in lieu of conducting the annual performance test for that pollutant in paragraph (a) of this section. For determining compliance with the carbon monoxide concentration limit using carbon monoxide CEMS, the correction to 7-percent oxygen does not apply during periods of startup or shutdown. Use the measured carbon monoxide concentration without correcting for oxygen concentration in averaging with other carbon monoxide concentrations (corrected to 7-percent oxygen) to determine the 24-hour average value.

(ii) You may substitute the use of a continuous automated sampling system for mercury or dioxins/furans in lieu of conducting the annual mercury or dioxin/furan performance test in paragraph (a) of this section.

(2) If you use a continuous emissions monitoring system to demonstrate compliance with an applicable emission limit in paragraph (b)(1) of this section, you must use the continuous emissions monitoring system and follow the requirements specified in § 62.16015(b). You must measure emissions according to § 60.13 of this chapter to calculate 1-hour arithmetic averages, corrected to 7-percent oxygen (or carbon dioxide). You must demonstrate initial compliance using a 24-hour block average of these 1-hour arithmetic average emission concentrations, calculated using Equation 19–19 in section 12.4.1 of Method 19 of 40 CFR part 60, appendix A–7.

(3) If you use a continuous automated sampling system to demonstrate compliance with an applicable emission limit in paragraph (b)(1) of this section, you must:

(i) Use the continuous automated sampling system specified in § 60.58b(p) and (q) of this chapter, and measure and calculate average emissions corrected to 7-percent oxygen (or carbon dioxide) according to § 60.58b(p) and your monitoring plan.

(A) Use the procedures specified in § 60.58b(p) of this chapter to calculate 24-hour averages to determine compliance with the mercury emission limit in Table 2 or 3 to this subpart.

(B) Use the procedures specified in § 60.58b(p) of this chapter to calculate 2-week averages to determine compliance with the dioxin/furan (total mass basis or toxic equivalency basis) emission limits in Table 2 or 3 to this subpart.

(ii) Update your monitoring plan as specified in § 60.4880(e) of this chapter. For mercury continuous automated sampling systems, you must use Performance Specification 12B of appendix B of part 75 of this chapter and Procedure 5 of appendix F of part 60 of this chapter.

(4) Except as provided in paragraph (e) of this section, you must complete your periodic performance evaluations required in your monitoring plan for any continuous emissions monitoring systems and continuous automated sampling systems, according to the schedule specified in your monitoring plan. If you were previously determining compliance by conducting an annual performance test (or according to the less frequent testing for a pollutant as provided in paragraph (a)(3) of this section), you must complete the initial performance evaluation required under your monitoring plan in § 62.15995 for the continuous monitoring system prior to using the continuous emissions monitoring system to demonstrate compliance or continuous automated sampling system. Your performance evaluation must be conducted using the procedures and acceptance criteria specified in § 62.15995(a)(3).

(c) To demonstrate compliance with the dioxins/furans toxic equivalency emission limit in paragraph (a) or (b) of this section, you must determine dioxins/furans toxic equivalency as follows:

(1) Measure the concentration of each dioxin/furan tetra- through octachlorinated-isomer emitted using Method 23 at 40 CFR part 60, appendix A–7.

(2) For each dioxin/furan (tetra- through octachlorinated) isomer measured in accordance with paragraph (c)(1) of this section, multiply the isomer concentration by its corresponding toxic equivalency factor specified in Table 5 to this subpart.

(3) Sum the products calculated in accordance with paragraph (c)(2) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

(d) You must submit an annual compliance report as specified in § 62.16030(c). You must submit a deviation report as specified in § 62.16030(d) for each instance that you did not meet each emission limit in Tables 2 and 3 to this subpart.

(e) If you demonstrate continuous compliance using a performance test, as specified in paragraph (a) of this section, then the provisions of this paragraph (e) apply. If a force majeure is about to occur, occurs, or has occurred for which you intend to assert a claim of force majeure, you must notify the Administrator in writing as specified in § 62.16030(f). You must conduct the performance test as soon as practicable after the force majeure occurs. The Administrator will determine whether or not to grant the extension to the performance test deadline, and will notify you in writing of approval or disapproval of the request for an extension as soon as practicable. Until an extension of the performance test deadline has been approved by the Administrator, you remain strictly subject to the requirements of this subpart.

(f) After any initial requests in § 62.15995 for alternative monitoring requirements for initial compliance, you may subsequently petition the Administrator for alternative monitoring parameters as specified in §§ 60.13(i) of this chapter and 62.15995(e).

§ 62.16005 How do I demonstrate continuous compliance with my operating limits?

You must continuously monitor your operating parameters as specified in paragraph (a) of this section and meet the requirements of paragraphs (b) and (c) of this section, according to the monitoring and calibration requirements in § 62.16020. You must confirm and re-establish your operating limits as specified in paragraph (d) of this section.

(a) You must continuously monitor the operating parameters specified in paragraphs (a)(1) and (2) of this section using the continuous monitoring equipment and according to the procedures specified in § 62.16020 or established in § 62.15965. To determine compliance, you must use the data averaging period specified in Table 4 to this subpart (except for alarm time of the baghouse leak detection system) unless a different averaging period is established under § 62.15965.

(1) You must demonstrate that the SSI unit meets the operating limits established according to §§ 62.15965 and 62.15985 and paragraph (d) of this section for each applicable operating parameter.

(2) You must demonstrate that the SSI unit meets the operating limit for bag leak detection systems as follows:

(i) For a bag leak detection system, you must calculate the alarm time as follows:

(A) If inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted.

(B) If corrective action is required, each alarm time shall be counted as a minimum of 1 hour.

(C) If you take longer than 1 hour to initiate corrective action, each alarm time (*i.e.,* time that the alarm sounds) is counted as the actual amount of time taken by you to initiate corrective action.

(ii) Your maximum alarm time is equal to 5-percent of the operating time during a 6-month period, as specified in § 62.15960(c).

(b) Operation above the established maximum, below the established minimum, or outside the allowable range of the operating limits specified in paragraph (a) of this section constitutes a deviation from your operating limits established under this subpart, except during performance tests conducted to determine compliance with the emission and operating limits or to establish new operating limits. You must submit the deviation report specified in § 62.16030(d) for each instance that you did not meet one of your operating limits established under this subpart.

(c) You must submit the annual compliance report specified in § 62.16030(c) to demonstrate continuous compliance.

(d) You must confirm your operating limits according to paragraph (d)(1) of this section or re-establish operating limits according to paragraph (d)(2) of this section. Your operating limits must be established so as to assure ongoing compliance with the emission limits. These requirements also apply to your operating requirements in your fugitive emissions monitoring plan specified in § 62.15960(d).

(1) Your operating limits must be based on operating data recorded during any performance test required in § 62.16000(a) or any performance evaluation required in § 62.16000(b)(4).

(2) You may conduct a repeat performance test at any time to establish new values for the operating limits to apply from that point forward.

§ 62.16010 By what date must I conduct annual air pollution control device inspections and make any necessary repairs?

(a) You must conduct an annual inspection of each air pollution control device used to comply with the emission limits, according to § 62.16015(c), no later than 12 months following the previous annual air pollution control device inspection.

(b) Within 10 operating days following an air pollution control device inspection, all necessary repairs must be completed unless you obtain written approval from the Administrator establishing a date whereby all necessary repairs of the affected SSI unit must be completed.

Performance Testing, Monitoring, and Calibration Requirements

§ 62.16015 What are the performance testing, monitoring, and calibration requirements for compliance with the emission limits and standards?

You must meet, as applicable, the performance testing requirements specified in paragraph (a) of this section, the monitoring requirements specified in paragraph (b) of this section, the air pollution control device inspections requirements specified in paragraph (c) of this section, and the bypass stack provisions specified in paragraph (d) of this section.

(a) *Performance testing requirements.* (1) All performance tests must consist of a minimum of three test runs conducted under conditions representative of normal operations, as specified in § 60.8(c) of this chapter. Emissions in excess of the emission limits or standards during periods of startup, shutdown, and malfunction are considered deviations from the applicable emission limits or standards.

(2) You must document that the dry sludge burned during the performance test is representative of the sludge burned under normal operating conditions by:

(i) Maintaining a log of the quantity of sewage sludge burned during the performance test by continuously monitoring and recording the average hourly rate that sewage sludge is fed to the incinerator.

(ii) Maintaining a log of the moisture content of the sewage sludge burned during the performance test by taking grab samples of the sewage sludge fed to the incinerator for each 8 hour period that testing is conducted.

(3) All performance tests must be conducted using the test methods, minimum sampling volume, observation period, and averaging method specified in Table 2 or 3 to this subpart.

(4) Method 1 at 40 CFR part 60, appendix A, must be used to select the sampling location and number of traverse points.

(5) Method 3A or 3B at 40 CFR part 60, appendix A–2, must be used for gas composition analysis, including measurement of oxygen concentration. Method 3A or 3B at 40 CFR part 60, appendix A–2, must be used simultaneously with each method.

(6) All pollutant concentrations must be adjusted to 7-percent oxygen using Equation 1 of this section:

$$C_{adj} = C_{meas}(20.9-7)/(20.9-\%O_2) \qquad \text{(Eq. 1)}$$

Where:

C_{adj} = Pollutant concentration adjusted to 7 percent oxygen.

C_{meas} = Pollutant concentration measured on a dry basis.

$(20.9 - 7)$ = 20.9 percent oxygen − 7 percent oxygen (defined oxygen correction basis).

20.9 = Oxygen concentration in air, percent.

$\%O_2$ = Oxygen concentration measured on a dry basis, percent.

(7) Performance tests must be conducted and data reduced in accordance with the test methods and procedures contained in this subpart unless the Administrator does one of the following.

(i) Specifies or approves, in specific cases, the use of a method with minor changes in methodology.

(ii) Approves the use of an equivalent method.

(iii) Approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance.

(iv) Waives the requirement for performance tests because you have demonstrated by other means to the Administrator's satisfaction that the affected SSI unit is in compliance with the standard.

(v) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph (a)(7) is construed to abrogate the Administrator's authority to require testing under section 114 of the Clean Air Act.

(8) You must provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days' notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, you must notify the Administrator as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator by mutual agreement.

(9) You must provide, or cause to be provided, performance testing facilities as follows:

(i) Sampling ports adequate for the test methods applicable to the SSI unit, as follows:

(A) Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures.

(B) Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

(ii) Safe sampling platform(s).

(iii) Safe access to sampling platform(s).

(iv) Utilities for sampling and testing equipment.

(10) Unless otherwise specified in this subpart, each performance test must consist of three separate runs using the applicable test method. Each run must be conducted for the time and under the conditions specified in the applicable standard. Compliance with each emission limit must be determined by calculating the arithmetic mean of the three runs. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond your control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

(11) During each test run specified in paragraph (a)(1) of this section, you must operate your sewage sludge incinerator at a minimum of 85-percent of your maximum permitted capacity.

(b) *Continuous monitor requirements.* You must meet the following requirements, as applicable, when using a continuous monitoring system to demonstrate compliance with the emission limits in Table 2 or 3 to this subpart. The option to use a continuous emissions monitoring system for hydrogen chloride, dioxins/furans, cadmium, or lead takes effect on the date a final performance specification applicable to hydrogen chloride, dioxins/furans, cadmium or lead is published in the **Federal Register**. If you elect to use a continuous emissions monitoring system instead of conducting annual performance testing, you must meet the requirements of paragraphs (b)(1) through (6) of this section. If you elect to use a continuous automated sampling system instead of conducting annual performance testing, you must meet the requirements of paragraph (b)(7) of this section. The option to use a continuous automated sampling system for dioxins/furans takes effect on the date a final performance specification for such a continuous automated sampling system is published in the **Federal Register**.

(1) You must notify the Administrator 1 month before starting use of the continuous emissions monitoring system.

(2) You must notify the Administrator 1 month before stopping use of the continuous emissions monitoring system, in which case you must also conduct a performance test within prior to ceasing operation of the system.

(3) You must install, operate, calibrate, and maintain an instrument for continuously measuring and recording the emissions to the atmosphere in accordance with the following:

(i) Section 60.13 of subpart A of part 60 of this chapter.

(ii) The following performance specifications of appendix B of part 60 of this chapter, as applicable:

(A) For particulate matter, Performance Specification 11 of appendix B of part 60 of this chapter.

(B) For hydrogen chloride, Performance Specification 15 of appendix B of part 60 of this chapter.

(C) For carbon monoxide, Performance Specification 4B of appendix B of part 60 of this chapter with spans appropriate to the applicable emission limit.

(D) [Reserved]

(E) For mercury, Performance Specification 12A of appendix B of part 60 of this chapter.

(F) For nitrogen oxides, Performance Specification 2 of appendix B of part 60 of this chapter.

(G) For sulfur dioxide, Performance Specification 2 of appendix B of part 60 of this chapter.

(iii) For continuous emissions monitoring systems, the quality assurance procedures (*e.g.,* quarterly accuracy determinations and daily calibration drift tests) of appendix F of part 60 of this chapter specified in paragraphs (b)(3)(iii)(A) through (G) of this section. For each pollutant, the span value of the continuous emissions monitoring system is two times the applicable emission limit, expressed as a concentration.

(A) For particulate matter, Procedure 2 in appendix F of part 60 of this chapter.

(B) For hydrogen chloride, Procedure 1 in appendix F of part 60 of this chapter except that the Relative Accuracy Test Audit requirements of Procedure 1 shall be replaced with the validation requirements and criteria of sections 11.1.1 and 12.0 of Performance Specification 15 of appendix B of part 60 of this chapter.

(C) For carbon monoxide, Procedure 1 in appendix F of part 60 of this chapter.

(D) [Reserved]

(E) For mercury, Procedures 5 in appendix F of part 60 of this chapter.

(F) For nitrogen oxides, Procedure 1 in appendix F of part 60 of this chapter.

(G) For sulfur dioxide, Procedure 1 in appendix F of part 60 of this chapter.

(iv) If your monitoring system has a malfunction or out-of-control period, you must complete repairs and resume operation of your monitoring system as expeditiously as possible.

(4) During each relative accuracy test run of the continuous emissions monitoring system using the performance specifications in paragraph (b)(3)(ii) of this section, emission data for each regulated pollutant and oxygen (or carbon dioxide as established in paragraph (b)(5) of this section) must be collected concurrently (or within a 30- to 60-minute period) by both the continuous emissions monitoring systems and the test methods specified in paragraph (b)(4)(i) through (viii) of this section. Relative accuracy testing must be at representative operating conditions while the SSI unit is charging sewage sludge.

(i) For particulate matter, Method 5 at 40 CFR part 60, appendix A–3, or Method 26A or 29 at 40 CFR part 60, appendix A–8, shall be used.

(ii) For hydrogen chloride, Method 26 or 26A at 40 CFR part 60, appendix A–8, shall be used, as specified in Tables 2 and 3 to this subpart.

(iii) For carbon monoxide, Method 10, 10A, or 10B at 40 CFR part 60, appendix A–4, shall be used.

(iv) For dioxins/furans, Method 23 at 40 CFR part 60, appendix A–7, shall be used.

(v) For mercury, cadmium and lead, Method 29 at 40 CFR part 60, appendix A–8, shall be used. Alternatively for mercury, either Method 30B at 40 CFR part 60, appendix A–8, or ASTM D6784–02 (Reapproved 2008) (see paragraph (e) of this section).

(vi) For nitrogen oxides, Method 7 or 7E at 40 CFR part 60, appendix A–4, shall be used.

(vii) For sulfur dioxide, Method 6 or 6C at 40 CFR part 60, appendix A–4, or as an alternative ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus] must be used (see paragraph (e) of this section). For sources that have actual inlet emissions less than 100 parts per million dry volume, the relative accuracy criterion for the inlet of the sulfur dioxide continuous emissions monitoring system should be no greater than 20-percent of the mean value of the method test data in terms of the units of the emission standard, or 5 parts per million dry volume absolute value of the mean difference between the method and the continuous emissions monitoring system, whichever is greater.

(viii) For oxygen (or carbon dioxide as established in paragraph (b)(5) of this section), Method 3A or 3B at 40 CFR part 60, appendix A–2, or as an alternative ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], as applicable, must be used (see paragraph (e) of this section).

(5) You may request that compliance with the emission limits be determined using carbon dioxide measurements corrected to an equivalent of 7-percent oxygen. If carbon dioxide is selected for use in diluent corrections, the relationship between oxygen and carbon dioxide levels must be established during the initial performance test according to the procedures and methods specified in paragraphs (b)(5)(i) through (iv) of this section. This relationship may be re-established during subsequent performance tests.

(i) The fuel factor equation in Method 3B at 40 CFR part 60, appendix A–2, must be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3A or 3B at 50 CFR part 60, appendix A–2, or as an alternative ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], as applicable, must be used to determine the oxygen concentration at the same location as the carbon dioxide monitor(see paragraph (e) of this section).

(ii) Samples must be taken for at least 30 minutes in each hour.

(iii) Each sample must represent a 1-hour average.

(iv) A minimum of three runs must be performed.

(6) You must operate the continuous monitoring system and collect data with the continuous monitoring system as follows:

(i) You must collect data using the continuous monitoring system at all times the affected SSI unit is operating and at the intervals specified in paragraph (b)(6)(ii) of this section, except for periods of monitoring system malfunctions that occur during periods specified in § 62.15995(a)(7)(i), repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments). Any such periods that you do not collect data using the continuous monitoring system constitute a deviation from the monitoring requirements and must be reported in a deviation report.

(ii) You must collect continuous emissions monitoring system data in accordance with § 60.13(e)(2) of this chapter.

(iii) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or control activities must not be included in calculations used to report emissions or operating levels. Any such periods must be reported in a deviation report.

(iv) Any data collected during periods when the monitoring system is out of control as specified in § 60.4880(a)(7)(i) of this chapter, repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or control activities conducted during out-of-control periods must not be included in calculations used to report emissions or operating levels. Any such periods that do not coincide with a monitoring system malfunction as defined in § 62.16045, constitute a deviation from the monitoring requirements and must be reported in a deviation report.

(v) You must use all the data collected during all periods except those periods specified in paragraphs (b)(6)(iii) and (iv) of this section in assessing the operation of the control device and associated control system.

(7) If you elect to use a continuous automated sampling system instead of conducting annual performance testing, you must:

(i) Install, calibrate, maintain and operate a continuous automated sampling system according to the site-specific monitoring plan developed in § 60.58b(p)(1) through (6), (9), (10), and (q) of this chapter.

(ii) Collect data according to § 60.58b(p)(5) of this chapter and paragraph (b)(6) of this section.

(c) *Air pollution control device inspections.* You must conduct air pollution control device inspections that include, at a minimum, the following:

(1) Inspect air pollution control device(s) for proper operation.

(2) Generally observe that the equipment is maintained in good operating condition.

(3) Develop a site-specific monitoring plan according to the requirements in § 62.15995. This requirement also applies to you if you petition the EPA Administrator for alternative monitoring parameters under § 60.13(i) of this chapter.

(d) *Bypass stack.* Use of the bypass stack at any time that sewage sludge is being charged to the SSI unit is an emissions standards deviation for all pollutants listed in Table 2 or 3 to this subpart. The use of the bypass stack during a performance test invalidates the performance test.

(e) *Incorporation by reference.* These standards are incorporated by reference into this section with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272–0167, *http://www.epa.gov.* You may also inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(1) American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016–5990 (Phone: 1–800–843–2763; Web site: *https://www.asme.org/*).

(i) ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus].

(ii) [Reserved]

(2) ASTM Int'l, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106 (Phone: 1–877–909–2786; Web site: *http://www.astm.org/*).

(i) ASTM D6784–02 (Reapproved 2008) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), approved April 1, 2008.

(ii) [Reserved]

(3) U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272–0167, *http://www.epa.gov.*

(i) OAQPS Fabric Filter Bag Leak Detection Guidance, EPA–454/R–98–015, September 1997.

(ii) [Reserved]

§ 62.16020 What are the monitoring and calibration requirements for compliance with my operating limits?

(a) You must install, operate, calibrate and maintain the continuous parameter monitoring systems according to the requirements in paragraphs (a)(1) and (2) of this section.

(1) Meet the following general requirements for flow, pressure, pH and operating temperature measurement devices:

(i) You must collect data using the continuous monitoring system at all times the affected SSI unit is operating and at the intervals specified in paragraph (a)(1)(ii) of this section, except for periods of monitoring system malfunctions that occur during periods specified defined in § 62.15995(a)(7)(i), repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments). Any such periods that you do not collect data using the continuous monitoring system constitute a deviation from the monitoring requirements and must be reported in a deviation report.

(ii) You must collect continuous parameter monitoring system data in accordance with § 60.13(e)(2) of this chapter.

(iii) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or control activities must not be included in calculations used to report emissions or operating levels. Any such periods must be reported in your annual deviation report.

(iv) Any data collected during periods when the monitoring system is out of control as specified in § 62.15995(a)(7)(i) must not be included in calculations used to report emissions or operating levels. Any such periods that do not coincide with a monitoring system malfunction, as defined in § 62.16045, constitute a deviation from the monitoring requirements and must be reported in a deviation report.

(v) You must use all the data collected during all periods except those periods specified in paragraphs (a)(1)(iii) and (iv) of this section in assessing the operation of the control device and associated control system.

(vi) Record the results of each inspection, calibration and validation check.

(2) Operate and maintain your continuous monitoring system according to your monitoring plan required under § 60.4880 of this chapter. Additionally:

(i) For carrier gas flow rate monitors (for activated carbon injection), during the performance test conducted pursuant to § 60.4885 chapter, you must demonstrate that the system is maintained within ±5-percent accuracy, according to the procedures in appendix A to part 75 of this chapter.

(ii) For carrier gas pressure drop monitors (for activated carbon injection), during the performance test conducted pursuant to § 60.4885 of this chapter, you must demonstrate that the system is maintained within ±5-percent accuracy.

(b) You must operate and maintain your bag leak detection system in continuous operation according to your monitoring plan required under § 60.4880 of this chapter. Additionally:

(1) For positive pressure fabric filter systems that do not duct all compartments of cells to a common stack, a bag leak detection system must be installed in each baghouse compartment or cell.

(2) Where multiple bag leak detectors are required, the system's instrumentation and alarm may be shared among detectors.

(3) You must initiate procedures to determine the cause of every alarm within 8 hours of the alarm, and you must alleviate the cause of the alarm within 24 hours of the alarm by taking whatever corrective action(s) are necessary. Corrective actions may

include, but are not limited to the following:

(i) Inspecting the fabric filter for air leaks, torn or broken bags or filter media or any other condition that may cause an increase in particulate matter emissions.

(ii) Sealing off defective bags or filter media.

(iii) Replacing defective bags or filter media or otherwise repairing the control device.

(iv) Sealing off a defective fabric filter compartment.

(v) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system.

(vi) Shutting down the process producing the particulate matter emissions.

(c) You must operate and maintain the continuous parameter monitoring systems specified in paragraphs (a) and (b) of this section in continuous operation according to your monitoring plan required under § 60.4880 of this chapter.

(d) If your SSI unit has a bypass stack, you must install, calibrate (to manufacturers' specifications), maintain and operate a device or method for measuring the use of the bypass stack including date, time and duration.

Recordkeeping and Reporting

§ 62.16025 What records must I keep?

You must maintain the items (as applicable) specified in paragraphs (a) through (n) of this section for a period of at least 5 years. All records must be available on site in either paper copy or computer-readable format that can be printed upon request, unless an alternative format is approved by the Administrator.

(a) *Date.* Calendar date of each record.

(b) *Final control plan and final compliance.* Copies of the final control plan and any additional notifications, reported under § 62.16030.

(c) *Operator training.* Documentation of the operator training procedures and records specified in paragraphs (c)(1) through (4) of this section. You must make available and readily accessible at the facility at all times for all SSI unit operators the documentation specified in paragraph (c)(1) of this section.

(1) Documentation of the following operator training procedures and information:

(i) Summary of the applicable standards under this subpart.

(ii) Procedures for receiving, handling and feeding sewage sludge.

(iii) Incinerator startup, shutdown, and malfunction preventative and corrective procedures.

(iv) Procedures for maintaining proper combustion air supply levels.

(v) Procedures for operating the incinerator and associated air pollution control systems within the standards established under this subpart.

(vi) Monitoring procedures for demonstrating compliance with the incinerator operating limits.

(vii) Reporting and recordkeeping procedures.

(viii) Procedures for handling ash.

(ix) A list of the materials burned during the performance test, if in addition to sewage sludge.

(x) For each qualified operator and other plant personnel who may operate the unit according to the provisions of § 62.15945(a), the phone and/or pager number at which they can be reached during operating hours.

(2) Records showing the names of SSI unit operators and other plant personnel who may operate the unit according to the provisions of § 62.15945(a), as follows:

(i) Records showing the names of SSI unit operators and other plant personnel who have completed review of the information in paragraph (c)(1) of this section as required by § 62.15950(b), including the date of the initial review and all subsequent annual reviews.

(ii) Records showing the names of the SSI unit operators who have completed the operator training requirements under § 62.15920, met the criteria for qualification under § 62.15930, and maintained or renewed their qualification under § 62.15935 or § 62.15940. Records must include documentation of training, including the dates of their initial qualification and all subsequent renewals of such qualifications.

(3) Records showing the periods when no qualified operators were accessible for more than 8 hours, but less than 2 weeks, as required in § 62.15945(a).

(4) Records showing the periods when no qualified operators were accessible for 2 weeks or more along with copies of reports submitted as required in § 62.15945(b).

(d) *Air pollution control device inspections.* Records of the results of initial and annual air pollution control device inspections conducted as specified in §§ 62.15990 and 62.16015(c), including any required maintenance and any repairs not completed within 10 days of an inspection or the timeframe established by the Administrator.

(e) *Performance test reports.* (1) The results of the initial, annual and any subsequent performance tests conducted to determine compliance with the emission limits and standards and/or to establish operating limits, as applicable.

(2) Retain a copy of the complete performance test report, including calculations.

(3) Keep a record of the hourly dry sludge feed rate measured during performance test runs as specified in § 62.16015(a)(2)(i).

(4) Keep any necessary records to demonstrate that the performance test was conducted under conditions representative of normal operations, including a record of the moisture content measured as required in § 62.16015(a)(2)(ii) for each grab sample taken of the sewage sludge burned during the performance test.

(f) *Continuous monitoring data.* Records of the following data, as applicable:

(1) For continuous emissions monitoring systems, all 1-hour average concentrations of particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans total mass basis, mercury, nitrogen oxides, sulfur dioxide, cadmium and lead emissions.

(2) For continuous automated sampling systems, all average concentrations measured for mercury and dioxins/furans total mass basis at the frequencies specified in your monitoring plan.

(3) For continuous parameter monitoring systems:

(i) All 1-hour average values recorded for the following operating parameters, as applicable:

(A) Combustion chamber operating temperature (or afterburner temperature).

(B) If a wet scrubber is used to comply with the rule, pressure drop across each wet scrubber system and liquid flow rate to each wet scrubber used to comply with the emission limit in Table 2 or 3 to this subpart for particulate matter, cadmium or lead and scrubber liquid flow rate and scrubber liquid pH for each wet scrubber used to comply with an emission limit in Table 2 or 3 to this subpart for sulfur dioxide or hydrogen chloride.

(C) If an electrostatic precipitator is used to comply with the rule, secondary voltage of the electrostatic precipitator collection plates and secondary amperage of the electrostatic precipitator collection plates and effluent water flow rate at the outlet of the wet electrostatic precipitator.

(D) If activated carbon injection is used to comply with the rule, sorbent flow rate and carrier gas flow rate or pressure drop, as applicable.

(ii) All daily average values recorded for the feed rate and moisture content of the sewage sludge fed to the sewage sludge incinerator, monitored and calculated as specified in § 62.15960(f).

(iii) If a fabric filter is used to comply with the rule, the date, time and duration of each alarm and the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken. You must also record the percent of operating time during each 6-month period that the alarm sounds, calculated as specified in § 62.16005.

(iv) For other control devices for which you must establish operating limits under § 62.15965, you must maintain data collected for all operating parameters used to determine compliance with the operating limits, at the frequencies specified in your monitoring plan.

(g) *Other records for continuous monitoring systems.* You must keep the following records, as applicable:

(1) Keep records of any notifications to the Administrator in § 60.4915(h)(1) of this chapter of starting or stopping use of a continuous monitoring system for determining compliance with any emissions limit.

(2) Keep records of any requests under § 62.16015(b)(5) that compliance with the emission limits be determined using carbon dioxide measurements corrected to an equivalent of 7-percent oxygen.

(3) If activated carbon injection is used to comply with the rule, the type of sorbent used and any changes in the type of sorbent used.

(h) *Deviation reports.* Records of any deviation reports submitted under § 62.16030(e) and (f).

(i) *Equipment specifications and operation and maintenance requirements.* Equipment specifications and related operation and maintenance requirements received from vendors for the incinerator, emission controls and monitoring equipment.

(j) *Inspections, calibrations and validation checks of monitoring devices.* Records of inspections, calibration and validation checks of any monitoring devices as required under §§ 62.16015 and 62.16020.

(k) *Monitoring plan and performance evaluations for continuous monitoring systems.* Records of the monitoring plans required under § 62.15995, and records of performance evaluations required under § 62.16000(b)(5).

(l) *Less frequent testing.* If, consistent with § 62.16000(a)(3), you elect to conduct performance tests less frequently than annually, you must keep annual records that document that your emissions in the two previous consecutive years were at or below 75-percent of the applicable emission limit in Table 1 or 2 to this subpart, and document that there were no changes in source operations or air pollution control equipment that would cause emissions of the relevant pollutant to increase within the past 2 years.

(m) *Use of bypass stack.* Records indicating use of the bypass stack, including dates, times and durations as required under § 62.16020(d).

(n) If a malfunction occurs, you must keep a record of the information submitted in your annual report in § 62.16030(c)(16).

§ 62.16030 What reports must I submit?

You must submit the reports to the Administrator specified in paragraphs (a) through (i) of this section. See Table 6 to this subpart for a summary of these reports.

(a) *Final control plan and final compliance report.* You must submit the following reports, as applicable:

(1) A final control plan as specified in §§ 62.15875 and 62.15900.

(2) You must submit your notification of achievement of submitting the final control plan and achieving final compliance no later than 10 business days after the compliance date as specified in §§ 62.15885 and 62.15890.

(3) If you fail to submit the final control plan and achieve final compliance, you must submit a notification to the Administrator postmarked within 10 business days after the compliance date, as specified in § 62.15895.

(4) If you plan to close your SSI unit rather than comply with the federal plan, submit a closure notification as specified in § 62.15915.

(b) *Initial compliance report.* You must submit the following information no later than 60 days following the initial performance test.

(1) Company name, physical address and mailing address.

(2) Statement by a responsible official, with that official's name, title and signature, certifying the accuracy of the content of the report.

(3) Date of report.

(4) The complete test report for the initial performance test results obtained by using the test methods specified in Table 2 or 3 to this subpart.

(5) If an initial performance evaluation of a continuous monitoring system was conducted, the results of that initial performance evaluation.

(6) The values for the site-specific operating limits established pursuant to §§ 62.15960 and 62.15965 and the calculations and methods, as applicable, used to establish each operating limit.

(7) If you are using a fabric filter to comply with the emission limits, documentation that a bag leak detection system has been installed and is being operated, calibrated, and maintained as required by § 62.15960(b).

(8) The results of the initial air pollution control device inspection required in § 62.15990, including a description of repairs.

(9) The site-specific monitoring plan required under § 62.15995, at least 60 days before your initial performance evaluation of your continuous monitoring system.

(10) The site-specific monitoring plan for your ash handling system required under § 62.15995, at least 60 days before your initial performance test to demonstrate compliance with your fugitive ash emission limit.

(c) *Annual compliance report.* You must submit an annual compliance report that includes the items listed in paragraphs (c)(1) through (16) of this section for the reporting period specified in paragraph (c)(3) of this section. You must submit your first annual compliance report no later than 12 months following the submission of the initial compliance report in paragraph (b) of this section. You must submit subsequent annual compliance reports no more than 12 months following the previous annual compliance report. (You may be required to submit similar or additional compliance information more frequently by the title V operating permit required in § 62.16035.)

(1) Company name, physical address and mailing address.

(2) Statement by a responsible official, with that official's name, title and signature, certifying the accuracy of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) If a performance test was conducted during the reporting period, the results of that performance test.

(i) If operating limits were established during the performance test, include the value for each operating limit and, as applicable, the method used to establish each operating limit, including calculations.

(ii) If activated carbon is used during the performance test, include the type of activated carbon used.

(5) For each pollutant and operating parameter recorded using a continuous monitoring system, the highest average value and lowest average value recorded during the reporting period, as follows:

(i) For continuous emission monitoring systems and continuous automated sampling systems, report the highest and lowest 24-hour average emission value.

(ii) For continuous parameter monitoring systems, report the following values:

(A) For all operating parameters except scrubber liquid pH, the highest and lowest 12-hour average values.

(B) For scrubber liquid pH, the highest and lowest 3-hour average values.

(6) If there are no deviations during the reporting period from any emission limit, emission standard or operating limit that applies to you, a statement that there were no deviations from the emission limits, emission standard or operating limits.

(7) Information for bag leak detection systems recorded under § 62.16025(f)(3)(iii).

(8) If a performance evaluation of a continuous monitoring system was conducted, the results of that performance evaluation. If new operating limits were established during the performance evaluation, include your calculations for establishing those operating limits.

(9) If you elect to conduct performance tests less frequently as allowed in § 62.16000(a)(3) and did not conduct a performance test during the reporting period, you must include the dates of the last two performance tests, a comparison of the emission level you achieved in the last two performance tests to the 75-percent emission limit threshold specified in § 62.16000(a)(3), and a statement as to whether there have been any process changes and whether the process change resulted in an increase in emissions.

(10) Documentation of periods when all qualified sewage sludge incineration unit operators were unavailable for more than 8 hours, but less than 2 weeks.

(11) Results of annual air pollution control device inspections recorded under § 62.16025(d) for the reporting period, including a description of repairs.

(12) If there were no periods during the reporting period when your continuous monitoring systems had a malfunction, a statement that there were no periods during which your continuous monitoring systems had a malfunction.

(13) If there were no periods during the reporting period when a continuous monitoring system was out of control, a statement that there were no periods during which your continuous monitoring systems were out of control.

(14) If there were no operator training deviations, a statement that there were no such deviations during the reporting period.

(15) If you did not make revisions to your site-specific monitoring plan during the reporting period, a statement that you did not make any revisions to your site-specific monitoring plan during the reporting period. If you made revisions to your site-specific monitoring plan during the reporting period, a copy of the revised plan.

(16) If you had a malfunction during the reporting period, the compliance report must include the number, duration, and a brief description for each type of malfunction that occurred during the reporting period and that caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 60.11(d), including actions taken to correct a malfunction.

(d) *Deviation reports.* (1) You must submit a deviation report if:

(i) Any recorded operating parameter level, based on the averaging time specified in Table 4 to this subpart, is above the maximum operating limit or below the minimum operating limit established under this subpart.

(ii) The bag leak detection system alarm sounds for more than 5-percent of the operating time for the 6-month reporting period.

(iii) Any recorded 24-hour block average emissions level is above the emission limit, if a continuous monitoring system is used to comply with an emission limit.

(iv) There are visible emissions of combustion ash from an ash conveying system for more than 5-percent of any compliance test hourly observation period.

(v) A performance test was conducted that deviated from any emission limit in Table 2 or 3 to this subpart.

(vi) A continuous monitoring system was out of control.

(vii) You had a malfunction (*e.g.,* continuous monitoring system malfunction) that caused or may have caused any applicable emission limit to be exceeded.

(2) The deviation report must be submitted by August 1 of that year for data collected during the first half of the calendar year (January 1 to June 30), and by February 1 of the following year for data you collected during the second half of the calendar year (July 1 to December 31).

(3) For each deviation where you are using a continuous monitoring system to comply with an associated emission limit or operating limit, report the items described in paragraphs (d)(3)(i) through (viii) of this section.

(i) Company name, physical address and mailing address.

(ii) Statement by a responsible official, with that official's name, title and signature, certifying the accuracy of the content of the report.

(iii) The calendar dates and times your unit deviated from the emission limits, emission standards or operating limits requirements.

(iv) The averaged and recorded data for those dates.

(v) Duration and cause of each deviation from the following:

(A) Emission limits, emission standards, operating limits and your corrective actions.

(B) Bypass events and your corrective actions.

(vi) Dates, times and causes for monitor downtime incidents.

(vii) A copy of the operating parameter monitoring data during each deviation and any test report that documents the emission levels.

(viii) If there were periods during which the continuous monitoring system malfunctioned or was out of control, you must include the following information for each deviation from an emission limit or operating limit:

(A) The date and time that each malfunction started and stopped.

(B) The date, time and duration that each continuous monitoring system was inoperative, except for zero (low-level) and high-level checks.

(C) The date, time and duration that each continuous monitoring system was out of control, including start and end dates and hours and descriptions of corrective actions taken.

(D) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction, during a period when the system as out of control or during another period.

(E) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(F) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes and other unknown causes.

(G) A summary of the total duration of continuous monitoring system downtime during the reporting period, and the total duration of continuous monitoring system downtime as a percent of the total operating time of the SSI unit at which the continuous monitoring system downtime occurred during that reporting period.

(H) An identification of each parameter and pollutant that was monitored at the SSI unit.

(I) A brief description of the SSI unit.

(J) A brief description of the continuous monitoring system.

(K) The date of the latest continuous monitoring system certification or audit.

(L) A description of any changes in continuous monitoring system, processes, or controls since the last reporting period.

(4) For each deviation where you are not using a continuous monitoring system to comply with the associated emission limit or operating limit, report the following items:

(i) Company name, physical address and mailing address.

(ii) Statement by a responsible official, with that official's name, title and signature, certifying the accuracy of the content of the report.

(iii) The total operating time of each affected source during the reporting period.

(iv) The calendar dates and times your unit deviated from the emission limits, emission standards or operating limits requirements.

(v) The averaged and recorded data for those dates.

(vi) Duration and cause of each deviation from the following:

(A) Emission limits, emission standards, operating limits and your corrective actions.

(B) Bypass events and your corrective actions.

(vii) A copy of any performance test report that showed a deviation from the emission limits or standards.

(viii) A brief description of any malfunction reported in paragraph (d)(1)(vii) of this section, including a description of actions taken during the malfunction to minimize emissions in accordance with § 60.11(d) of this chapter and to correct the malfunction.

(e) *Qualified operator deviation.* (1) If all qualified operators are not accessible for 2 weeks or more, you must take the two actions in paragraphs (e)(1)(i) and (ii) of this section.

(i) Submit a notification of the deviation within 10 days that includes the three items in paragraphs (e)(1)(i)(A) through (C) of this section.

(A) A statement of what caused the deviation.

(B) A description of actions taken to ensure that a qualified operator is accessible.

(C) The date when you anticipate that a qualified operator will be available.

(ii) Submit a status report to the Administrator every 4 weeks that includes the three items in paragraphs (e)(1)(ii)(A) through (C) of this section.

(A) A description of actions taken to ensure that a qualified operator is accessible.

(B) The date when you anticipate that a qualified operator will be accessible.

(C) Request for approval from the Administrator to continue operation of the SSI unit.

(2) If your unit was shut down by the Administrator, under the provisions of § 62.15945(b)(2)(i), due to a failure to provide an accessible qualified operator, you must notify the Administrator within five days of meeting § 62.15945(b)(2)(ii) that you are resuming operation.

(f) *Notification of a force majeure.* If a force majeure is about to occur, occurs, or has occurred for which you intend to assert a claim of force majeure:

(1) You must notify the Administrator, in writing as soon as practicable following the date you first knew, or through due diligence, should have known that the event may cause or caused a delay in conducting a performance test beyond the regulatory deadline, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification must occur as soon as practicable.

(2) You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in conducting the performance test beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which you propose to conduct the performance test.

(g) *Other notifications and reports required.* You must submit other notifications as provided by § 60.7 of this chapter and as follows:

(1) You must notify the Administrator 1 month before starting or stopping use of a continuous monitoring system for determining compliance with any emission limit.

(2) You must notify the Administrator at least 30 days prior to any performance test conducted to comply with the provisions of this subpart, to afford the Administrator the opportunity to have an observer present.

(3) As specified in § 62.16015(a)(8), you must notify the Administrator at least 7 days prior to the date of a rescheduled performance test for which notification was previously made in paragraph (g)(2) of this section.

(h) *Report submission form.* (1) Submit initial, annual and deviation reports electronically or in paper format, postmarked on or before the submittal due dates.

(2) Submit performance tests and evaluations according to paragraphs (h)(2)(i) and (ii) of this section.

(i) Within 60 days after the date of completing each performance test (see § 60.8 of this chapter) required by this subpart, you must submit the results of the performance test according to the method specified by either paragraph (h)(2)(i)(A) or (B) of this section.

(A) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (*http://www.epa.gov/ttn/chief/ert/index.html*), at the time of the test, you must submit the results of the performance test to the Compliance and Emissions Data Reporting Interface (CEDRI). (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*).) Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT Web site. If you claim that some of the performance test information being transmitted is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disk, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same ERT file with the CBI omitted must be submitted to the EPA via CDX as described earlier in this paragraph (h)(2)(i)(A).

(B) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 60.4 of this chapter.

(ii) Within 60 days after the date of completing each CEMS performance evaluation (as defined in § 63.2 of this chapter), you must submit the results of the performance evaluation according to the method specified by either paragraph (h)(2)(ii)(A) or (B) of this section.

(A) For performance evaluations of continuous monitoring systems measuring relative accuracy test audit

(RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT Web site, you must submit the results of the performance evaluation via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) Performance evaluation data must be submitted in a file format generated through the use of the EPA's ERT or an alternate file format consistent with the XML schema listed on the EPA's ERT Web site. If you claim that some of the performance evaluation information being transmitted is CBI, you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disk, flash drive, or other commonly used electronic storage media to the EPA. The electronic storage media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via CDX as described earlier in this paragraph (h)(2)(ii)(A).

(B) For any performance evaluations of continuous monitoring systems measuring RATA pollutants that are not supported by the EPA's ERT as listed on the EPA's ERT Web site, you must submit the results of the performance evaluation to the Administrator at the appropriate address listed in § 60.4 of this chapter.

(3) *Changing report dates.* If the Administrator agrees, you may change the semiannual or annual reporting dates. See § 60.19(c) of this chapter for procedures to seek approval to change your reporting date.

Title V—Operating Permits

§ 62.16035 Am I required to apply for and obtain a title V operating permit for my existing SSI unit?

Yes, if you are subject to an applicable EPA-approved and effective CAA section 111(d)/129 state or tribal plan or an applicable and effective federal plan, you are required to apply for and obtain a title V operating permit for your existing SSI unit unless you meet the relevant requirements for an exemption specified in § 62.15860.

§ 62.16040 When must I submit a title V permit application for my existing SSI unit?

(a) If your existing SSI unit is not subject to an earlier permit application deadline, a complete title V permit application must be submitted on or before the earlier of the dates specified in paragraphs (a)(1) through (3) of this section. (See sections 129(e), 503(c), 503(d), and 502(a) of the Clean Air Act and 40 CFR 70.5(a)(1)(i) and 71.5(a)(1)(i)).

(1) 12 months after the effective date of any applicable EPA-approved Clean Air Act section 111(d)/129 state or tribal plan.

(2) 12 months after the effective date of any applicable federal plan.

(3) March 21, 2014.

(b) For any existing unit not subject to an earlier permit application deadline, the application deadline of 36 months after the promulgation of 40 CFR part 60, subpart MMMM, applies regardless of whether or when any applicable federal plan is effective, or whether or when any applicable Clean Air Act section 111(d)/129 state or tribal plan is approved by the EPA and becomes effective.

(c) If your existing unit is subject to title V as a result of some triggering requirement(s) other than those specified in paragraphs (a) and (b) of this section (for example, a unit may be a major source or part of a major source), then your unit may be required to apply for a title V permit prior to the deadlines specified in paragraphs (a) and (b). If more than one requirement triggers a source's obligation to apply for a title V permit, the 12-month time frame for filing a title V permit application is triggered by the requirement which first causes the source to be subject to title V. (See section 503(c) of the Clean Air Act and 40 CFR 70.3(a) and (b), 70.5(a)(1)(i), 71.3(a) and (b), and 71.5(a)(1)(i).)

(d) A "complete" title V permit application is one that has been determined or deemed complete by the relevant permitting authority under section 503(d) of the Clean Air Act and 40 CFR 70.5(a)(2) or 71.5(a)(2). You must submit a complete permit application by the relevant application deadline in order to operate after this date in compliance with federal law. (See sections 503(d) and 502(a) of the Clean Air Act and 40 CFR 70.7(b) and 71.7(b).)

Definitions

§ 62.16045 What definitions must I know?

Terms used but not defined in this subpart are defined in the Clean Air Act and § 60.2 of this chapter.

Administrator means:

(1) For units covered by the federal plan, the Administrator of the EPA or his/her authorized representative (*e.g.,* delegated authority).

(2) For units covered by an approved state plan, the director of the state air pollution control agency or his/her authorized representative.

Affected source means a sewage sludge incineration unit as defined in § 62.16045.

Affirmative defense means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

Auxiliary fuel means natural gas, liquefied petroleum gas, fuel oil or diesel fuel.

Bag leak detection system means an instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter (*i.e.,* baghouse) in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light transmittance or other principle to monitor relative particulate matter loadings.

Bypass stack means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

Calendar year means 365 consecutive days starting on January 1 and ending on December 31.

Continuous automated sampling system means the total equipment and procedures for automated sample collection and sample recovery/analysis to determine a pollutant concentration or emission rate by collecting a single integrated sample(s) or multiple integrated sample(s) of the pollutant (or diluent gas) for subsequent on- or off-site analysis; integrated sample(s) collected are representative of the emissions for the sample time as specified by the applicable requirement.

Continuous emissions monitoring system means a monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

Continuous monitoring system (CMS) means a continuous emissions monitoring system, continuous automated sampling system, continuous parameter monitoring system or other manual or automatic monitoring that is used for demonstrating compliance with an applicable regulation on a continuous basis as defined by this subpart. The term refers to the total equipment used to sample and condition (if applicable), to analyze and to provide a permanent record of emissions or process parameters.

Continuous parameter monitoring system means a monitoring system for continuously measuring and recording operating conditions associated with air pollution control device systems (*e.g.,* operating temperature, pressure and power).

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limit, operating limit, or operator qualification and accessibility requirements.

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

Dioxins/furans means tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

Electrostatic precipitator or wet electrostatic precipitator means an air pollution control device that uses both electrical forces and, if applicable, water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

Existing sewage sludge incineration unit means a sewage sludge incineration unit the construction of which is commenced on or before October 14, 2010.

Fabric filter means an add-on air pollution control device used to capture particulate matter by filtering gas streams through filter media, also known as a baghouse.

Fluidized bed incinerator means an enclosed device in which organic matter and inorganic matter in sewage sludge are combusted in a bed of particles suspended in the combustion chamber gas.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

Modification means a change to an existing SSI unit later than September 21, 2011 and that meets one of two criteria:

(1) The cumulative cost of the changes over the life of the unit exceeds 50-percent of the original cost of building and installing the SSI unit (not including the cost of land) updated to current costs (current dollars). To determine what systems are within the boundary of the SSI unit used to calculate these costs, see the definition of SSI unit.

(2) Any physical change in the SSI unit or change in the method of operating it that increases the amount of any air pollutant emitted for which section 129 or section 111 of the Clean Air Act has established standards.

Modified sewage sludge incineration unit means an existing SSI unit that undergoes a modification, as defined in this section.

Multiple hearth incinerator means a circular steel furnace that contains a number of solid refractory hearths and a central rotating shaft; rabble arms that are designed to slowly rake the sludge on the hearth are attached to the rotating shaft. Dewatered sludge enters at the top and proceeds downward through the furnace from hearth to hearth, pushed along by the rabble arms.

Operating day means a 24-hour period between 12:00 midnight and the following midnight during which any amount of sewage sludge is combusted at any time in the SSI unit.

Particulate matter means filterable particulate matter emitted from SSI units as measured by Method 5 at 40 CFR part 60, appendix A–3, or Methods 26A or 29 at 40 CFR part 60, appendix A–8.

Power input to the electrostatic precipitator means the product of the test-run average secondary voltage and the test-run average secondary amperage to the electrostatic precipitator collection plates.

Process change means a significant permit revision, but only with respect to those pollutant-specific emission units for which the proposed permit revision is applicable, including but not limited to:

(1) A change in the process employed at the wastewater treatment facility associated with the affected SSI unit (*e.g.*, the addition of tertiary treatment at the facility, which changes the method used for disposing of process solids and processing of the sludge prior to incineration).

(2) A change in the air pollution control devices used to comply with the emission limits for the affected SSI unit (*e.g.*, change in the sorbent used for activated carbon injection).

Sewage sludge means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incineration unit or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Sewage sludge feed rate means the rate at which sewage sludge is fed into the incinerator unit.

Sewage sludge incineration (SSI) unit means an incineration unit combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. Sewage sludge incineration unit designs include fluidized bed and multiple hearth. AN SSI unit also includes, but is not limited to, the sewage sludge feed system, auxiliary fuel feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The SSI unit includes all ash handling systems connected to the bottom ash handling system. The combustion unit bottom ash system ends at the truck loading station or similar equipment that transfers the ash to final disposal. The SSI unit does not include air pollution control equipment or the stack.

Shutdown means the period of time after all sewage sludge has been combusted in the primary chamber.

Solid waste means any garbage, refuse, sewage sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, agricultural operations and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1342), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

Standard conditions, when referring to units of measure, means a temperature of 68 °F (20 °C) and a pressure of 1 atmosphere (101.3 kilopascals).

Startup means the period of time between the activation, including the firing of fuels (*e.g.*, natural gas or distillate oil), of the system and the first feed to the unit.

Toxic equivalency means the product of the concentration of an individual dioxin isomer in an environmental mixture and the corresponding estimate of the compound-specific toxicity relative to tetrachlorinated dibenzo-p-dioxin, referred to as the toxic equivalency factor for that compound. Table 5 to this subpart lists the toxic equivalency factors.

Wet scrubber means an add-on air pollution control device that utilizes an aqueous or alkaline scrubbing liquid to collect particulate matter (including nonvaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

You means the owner or operator of an affected SSI unit.

Delegation of Authority

§ 62.16050 What authorities will be retained by the EPA Administrator?

The authorities that will not be delegated to state, local, or tribal agencies are specified in paragraphs (a) through (g) of this section.

(a) Approval of alternatives to the emission limits and standards in Tables 2 and 3 to this subpart and operating limits established under § 62.15965 or § 62.15985.

(b) Approval of major alternatives to test methods.

(c) Approval of major alternatives to monitoring.

(d) Approval of major alternatives to recordkeeping and reporting.

(e) The requirements in § 62.15965.

(f) The requirements in § 62.15945(b)(2).

(g) Performance test and data reduction waivers under § 60.8(b) of this chapter.

TABLE 1 TO SUBPART LLL OF PART 62—COMPLIANCE SCHEDULE FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS

Comply with these requirements	By this date
1—Submit final control plan	March 21, 2016, for all units except East Bank Wastewater Treatment Plant, New Orleans, Louisiana, and Bayshore Regional Wastewater Treatment Plant in Union Beach, Monmouth County, NJ.
2—Final compliance	For East Bank Wastewater Treatment Plant, New Orleans, Louisiana, and Bayshore Regional Wastewater Treatment Plant in Union Beach, Monmouth County, NJ, March 21, 2017.

TABLE 2 TO SUBPART LLL OF PART 62—EMISSION LIMITS AND STANDARDS FOR EXISTING FLUIDIZED BED SEWAGE SLUDGE INCINERATION UNITS

For the air pollutant	You must meet this emission limit[1]	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Particulate matter	18 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters sample per run).	Performance test (Method 5 at 40 CFR part 60, appendix A–3; Method 26A or Method 29 at 40 CFR part 60, appendix A–8).
Hydrogen chloride	0.51 parts per million by dry volume	3-run average (Collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 26A at 40 CFR part 60, appendix A–8).
Carbon monoxide	64 parts per million by dry volume	3-run average (collect sample for a minimum duration of one hour per run).	Performance test (Method 10, 10A, or 10B at 40 CFR part 60, appendix A–4).
Dioxins/furans (total mass basis); or.	1.2 nanograms per dry standard cubic meter (total mass basis); or.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 23 at 40 CFR part 60, appendix A–7).
Dioxins/furans (toxic equivalency basis)[2].	0.10 nanograms per dry standard cubic meter (toxic equivalency basis).		
Mercury	0.037 milligrams per dry standard cubic meter.	3-run average (For Method 29 and ASTM D6784–02 (Reapproved 2008)[3], collect a minimum volume of 1 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B at 40 CFR part 60, appendix A–8).	Performance test (Method 29 at 40 CFR part 60, appendix A–8; Method 30B at 40 CFR part 60, appendix A–8; or ASTM D6784–02 (Reapproved 2008).[3 5]
Oxides of nitrogen	150 parts per million by dry volume	3-run average (Collect sample for a minimum duration of one hour per run).	Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4).
Sulfur dioxide	15 parts per million by dry volume	3-run average (For Method 6, collect a minimum volume of 60 liters per run. For Method 6C, collect sample for a minimum duration of one hour per run).	Performance test (Method 6 or 6C at 40 CFR part 40, appendix A–4; or ANSI/ASME PTC–19.10–1981.[3 4]
Cadmium	0.0016 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use GFAAS or ICP/MS for the analytical finish.
Lead	0.0074 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters sample per run).	Performance test (Method 29 at 40 CFR part 60, appendix A–8. Use GFAAS or ICP/MS for the analytical finish.

Table 2 to Subpart LLL of Part 62—Emission Limits and Standards for Existing Fluidized Bed Sewage Sludge Incineration Units—Continued

For the air pollutant	You must meet this emission limit[1]	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Fugitive emissions from ash handling.	Visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) for no more than 5 percent of any compliance test hourly observation period.	Three 1-hour observation periods	Visible emission test (Method 22 at 40 CFR part 60, appendix A–7).

[1] All emission limits are measured at 7-percent oxygen, dry basis at standard conditions.

[2] You have the option to comply with either the dioxin/furan emission limit on a total mass basis or the dioxin/furan emission limit on a toxic equivalency basis.

[3] The Director of the Federal Register approves these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may inspect these standards at U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272–0167, *http://www.epa.gov*. You may also inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: {HYPERLINK "*http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*"}.

[4] ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]. American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016–5990 (Phone: 1–800–843–2763; Web site: *https://www.asme.org/*).

[5] ASTM D6784–02 (Reapproved 2008) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), [approved April 1, 2008]. ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959; ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106 (Phone: 1–877–909–2786; Web site: *http://www.astm.org/*).

Table 3 to Subpart LLL of Part 62—Emission Limits and Standards for Existing Multiple Hearth Sewage Sludge Incineration Units

For the air pollutant	You must meet this emission limit[1]	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Particulate matter	80 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 0.75 dry standard cubic meters per run).	Performance test (Method 5 at 40 CFR part 60, appendix A–3; Method 26A or Method 29 at 40 CFR part 60, appendix A–8).
Hydrogen chloride ...	1.2 parts per million by dry volume	3-run average (For Method 26, collect a minimum volume of 200 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 26 or 26A at 40 CFR part 60, appendix A–8).
Carbon monoxide	3,800 parts per million by dry volume ..	3-run average (collect sample for a minimum duration of one hour per run).	Performance test (Method 10, 10A, or 10B at 40 CFR part 60, appendix A–4).
Dioxins/furans (total mass basis).	5.0 nanograms per dry standard cubic meter; or.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 23 at 40 CFR part 60, appendix A–7).
Dioxins/furans (toxic equivalency basis).[2]	0.32 nanograms per dry standard cubic meter.		
Mercury	0.28 milligrams per dry standard cubic meter.	3-run average (For Method 29 and ASTM D6784–02 (Reapproved 2008),[3] collect a minimum volume of 1 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B at 40 CFR part 60, appendix A–8).	Performance test (Method 29 at 40 CFR part 60, appendix A–8; Method 30B at 40 CFR part 60, appendix A–8; or ASTM D6784–02 (Reapproved 2008).[3][5]
Oxides of nitrogen ...	220 parts per million by dry volume	3-run average (Collect sample for a minimum duration of one hour per run).	Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4).
Sulfur dioxide	26 parts per million by dry volume	3-run average (For Method 6, collect a minimum volume of 200 liters per run. For Method 6C, collect sample for a minimum duration of one hour per run).	Performance test (Method 6 or 6C at 40 CFR part 40, appendix A–4; or ANSI/ASME PTC 19.10–1981.[3][4]
Cadmium	0.095 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 29 at 40 CFR part 60, appendix A–8).
Lead	0.30 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 29 at 40 CFR part 60, appendix A–8.

TABLE 3 TO SUBPART LLL OF PART 62—EMISSION LIMITS AND STANDARDS FOR EXISTING MULTIPLE HEARTH SEWAGE SLUDGE INCINERATION UNITS—Continued

For the air pollutant	You must meet this emission limit [1]	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Fugitive emissions from ash handling.	Visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) for no more than 5 percent of any compliance test hourly observation period.	Three 1-hour observation periods	Visible emission test (Method 22 at 40 CFR part 60, appendix A–7).

[1] All emission limits are measured at 7-percent oxygen, dry basis at standard conditions.

[2] You have the option to comply with either the dioxin/furan emission limit on a total mass basis or the dioxin/furan emission limit on a toxic equivalency basis.

[3] The Director of the Federal Register approves these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may inspect these standards at U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272–0167, *http://www.epa.gov*. You may also inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

[4] ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]. American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016–5990 (Phone: 1–800–843–2763; Web site: *https://www.asme.org/*).

[5] ASTM D6784–02 (Reapproved 2008) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), [approved April 1, 2008]. ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959; ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106 (Phone: 1–877–909–2786; Web site: *http://www.astm.org/*).

TABLE 4 TO SUBPART LLL OF PART 62—OPERATING PARAMETERS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS [1]

For these operating parameters	You must establish these operating limits	And monitor using these minimum frequencies		
		Data measurement	Data recording [2]	Data averaging period for compliance
All sewage sludge incineration units				
Combustion chamber operating temperature (not required if afterburner temperature is monitored).	Minimum combustion chamber operating temperature or afterburner temperature.	Continuous	Every 15 minutes	12-hour block.
Fugitive emissions from ash handling	Site-specific operating requirements	Not applicable	Not applicable	Not applicable.
Scrubber				
Pressure drop across each wet scrubber.	Minimum pressure drop	Continuous	Every 15 minutes	12-hour block.
Scrubber liquid flow rate	Minimum flow rate	Continuous	Every 15 minutes	12-hour block.
Scrubber liquid pH	Minimum pH	Continuous	Every 15 minutes	3-hour block.
Fabric Filter				
Alarm time of the bag leak detection system alarm.	Maximum alarm time of the bag leak detection system alarm (this operating limit is provided in § 60.4850 and is not established on a site-specific basis)			
Electrostatic precipitator				
Secondary voltage of the electrostatic precipitator collection plates.	Minimum power input to the electrostatic precipitator collection plates.	Continuous	Hourly	12-hour block.
Secondary amperage of the electrostatic precipitator collection plates				
Effluent water flow rate at the outlet of the electrostatic precipitator.	Minimum effluent water flow rate at the outlet of the electrostatic precipitator.	Hourly	Hourly	12-hour block.
Activated carbon injection				
Mercury sorbent injection rate	Minimum mercury sorbent injection rate.	Hourly	Hourly	12-hour block.
Dioxin/furan sorbent injection rate	Minimum dioxin/furan sorbent injection rate.			
Carrier gas flow rate or carrier gas pressure drop.	Minimum carrier gas flow rate or minimum carrier gas pressure drop.	Continuous	Every 15 minutes	12-hour block.

TABLE 4 TO SUBPART LLL OF PART 62—OPERATING PARAMETERS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS [1]—Continued

For these operating parameters	You must establish these operating limits	And monitor using these minimum frequencies		
		Data measurement	Data recording [2]	Data averaging period for compliance
		Afterburner		
Temperature of the afterburner combustion chamber.	Minimum temperature of the afterburner combustion chamber.	Continuous	Every 15 minutes	12-hour block.

[1] As specified in § 62.15985, you may use a continuous emissions monitoring system or continuous automated sampling system in lieu of establishing certain operating limits.

[2] This recording time refers to the minimum frequency that the continuous monitor or other measuring device initially records data. For all data recorded every 15 minutes, you must calculate hourly arithmetic averages. For all parameters, you use hourly averages to calculate the 12-hour or 3-hour block average specified in this table for demonstrating compliance. You maintain records of 1-hour averages.

TABLE 5 TO SUBPART LLL OF PART 62—TOXIC EQUIVALENCY FACTORS

Dioxin/furan isomer	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	1
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
octachlorinated dibenzo-p-dioxin	0.0003
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.3
1,2,3,7,8-pentachlorinated dibenzofuran	0.03
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
octachlorinated dibenzofuran	0.0003

TABLE 6 TO SUBPART LLL OF PART 62—SUMMARY OF REPORTING REQUIREMENTS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS[1]

Report	Due date	Contents	Reference
Final control plan and final compliance report.	No later than 10 business days after the compliance date.	1. Final control plan including air pollution control device descriptions, process changes, type of waste to be burned, and the maximum design sewage sludge burning capacity. 2. Notification of any failure to submit the final control plan and achieve final compliance. 3. Notification of any closure.	§ 62.16030(a).
Initial compliance report	No later than 60 days following the initial performance test.	1. Company name and address .... 2.Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report. 3. Date of report. 4. Complete test report for the initial performance test. 5. Results of CMS[2] performance evaluation. 6. The values for the site-specific operating limits and the calculations and methods used to establish each operating limit. 7. Documentation of installation of bag leak detection system for fabric filter. 8. Results of initial air pollution control device inspection, including a description of repairs. 9. The site-specific monitoring plan required under § 62.15995. 10. The site-specific monitoring plan for your ash handling system required under § 62.15995.	§ 62.16030(b).

TABLE 6 TO SUBPART LLL OF PART 62—SUMMARY OF REPORTING REQUIREMENTS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS[1]—Continued

Report	Due date	Contents	Reference
Annual compliance report	No later than 12 months following the submission of the initial compliance report; subsequent reports are to be submitted no more than 12 months following the previous report.	1. Company name and address 2. Statement and signature by responsible official. 3. Date and beginning and ending dates of report. 4. If a performance test was conducted during the reporting period, the results of the test, including any new operating limits and associated calculations and the type of activated carbon used, if applicable. 5. For each pollutant and operating parameter recorded using a CMS, the highest recorded 3-hour average and the lowest recorded 3-hour average, as applicable. 6. If no deviations from emission limits, emission standards, or operating limits occurred, a statement that no deviations occurred. 7. If a fabric filter is used, the date, time, and duration of alarms. 8. If a performance evaluation of a CMS was conducted, the results, including any new operating limits and their associated calculations. 9. If you met the requirements of § 62.16000(a)(3) and did not conduct a performance test, include the dates of the last three performance tests, a comparison to the 50 percent emission limit threshold of the emission level achieved in the last three performance tests, and a statement as to whether there have been any process changes. 10. Documentation of periods when all qualified SSI unit operators were unavailable for more than 8 hours but less than 2 weeks. 11. Results of annual pollutions control device inspections, including description of repairs. 12. If there were no periods during which your CMSs had malfunctions, a statement that there were no periods during which your CMSs had malfunctions. 13. If there were no periods during which your CMSs were out of control, a statement that there were no periods during which your CMSs were out of control. 14. If there were no operator training deviations, a statement that there were no such deviations. 15. Information on monitoring plan revisions, including a copy of any revised monitoring plan.	§ 62.16030(c).
Deviation report (deviations from emission limits, emission standards, or operating limits, as specified in § 62.16030(e)(1)).	By August 1 of a calendar year for data collected during the first half of the calendar year; by February 1 of a calendar year for data collected during the second half of the calendar year.	*If using a CMS:* 1. Company name and address. 2. Statement by a responsible official. 3. The calendar dates and times your unit deviated from the emission limits or operating limits. 4. The averaged and recorded data for those dates. 5. Duration and cause of each deviation. 6. Dates, times, and causes for monitor downtime incidents. 7. A copy of the operating parameter monitoring data during each deviation and any test report that documents the emission levels. 8. For periods of CMS malfunction or when a CMS was out of control, you must include the information specified in § 62.16030(d)(3)(viii). *If not using a CMS:* 1. Company name and address. 2. Statement by a responsible official. 3. The total operating time of each affected SSI unit. 4. The calendar dates and times your unit deviated from the emission limits, emission standard, or operating limits. 5. The averaged and recorded data for those dates. 6. Duration and cause of each deviation. 7. A copy of any performance test report that showed a deviation from the emission limits or standards. 8. A brief description of any malfunction, a description of actions taken during the malfunction to minimize emissions, and corrective action taken.	§ 62.16030(d).
Notification of qualified operator deviation (if all qualified operators are not accessible for 2 weeks or more).	Within 10 days of deviation	1. Statement of cause of deviation 2. Description of actions taken to ensure that a qualified operator will be available. 3. The date when a qualified operator will be accessible	§ 62.16030(e).

TABLE 6 TO SUBPART LLL OF PART 62—SUMMARY OF REPORTING REQUIREMENTS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS[1]—Continued

Report	Due date	Contents	Reference
Notification of status of qualified operator deviation.	Every 4 weeks following notification of deviation.	1. Description of actions taken to ensure that a qualified operator is accessible. 2. The date when you anticipate that a qualified operator will be accessible. 3. Request for approval to continue operation.	§ 62.16030(e).
Notification of resumed operation following shut down (due to qualified operator deviation and as specified in § 62.15945(b)(2)(i).	Within five days of obtaining a qualified operator and resuming operation.	1. Notification that you have obtained a qualified operator and are resuming operation.	§ 62.16030(e).
Notification of a force majeure	As soon as practicable following the date you first knew, or through due diligence should have known that the event may cause or caused a delay in conducting a performance test beyond the regulatory deadline; the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification must occur as soon as practicable.	1. Description of the force majeure event .... 2. Rationale for attributing the delay in conducting the performance test beyond the regulatory deadline to the force majeure. 3. Description of the measures taken or to be taken to minimize the delay. 4. Identification of the date by which you propose to conduct the performance test.	§ 62.16030(f).
Notification of intent to start or stop use of a CMS.	1 month before starting or stopping use of a CMS.	1. Intent to start or stop use of a CMS	§ 62.16030(g)
Notification of intent to conduct a performance test.	At least 30 days prior to the performance test.	1. Intent to conduct a performance test to comply with this subpart.	
Notification of intent to conduct a rescheduled performance test.	At least 7 days prior to the date of a rescheduled performance test.	1. Intent to conduct a rescheduled performance test to comply with this subpart.	

[1] This table is only a summary, see the referenced sections of the rule for the complete requirements.

[2] CMS means continuous monitoring system.

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